

LAW ENFORCEMENT NEWS

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Cops get an extra set of eyes

It's a device to make a film student jealous.

"The Detective" is a video system that can analyze crime-scene tapes taken from several different angles. It can slow them down, splice and clarify images, magnify them, put the same camera angles together, and basically, watch an incident unfold from beginning to end as if it were a movie.

That's just what police detectives in Roanoke, Va., did when a bank was robbed just one day after the department received the product on Jan. 20. Investigators spent half the night teaching themselves how to use the equipment.

"The Detective" accounts for about half of the \$70,000 spent on equipment upgrades in creating the department's new Criminal Intelligence and Technology Unit. Other elements will include thermal imaging and night vision equipment.

"We're just putting it all under one roof, so to speak," Detective Mark Chandler told The Roanoke Times & World News.

Trying to piece together the bank-robbery tape was like putting together a puzzle. Like many businesses, the bank had tried to get the most out of its video-surveillance system. That meant six different camera angles, all flashing by at high speed.

"It's just the fact that we're now able to slow it down to the point where we're able to pick out details," said Chandler, one of the seven investigators assigned to the CITU.

Another new program called "3D Eyewitness" will allow the user to create a three-dimensional crime scene drawn to the measurements taken by detectives at the actual site.

A sinus of the times

Drug stores ordered to restrict key meth ingredient

Time has run out for Oklahoma's pharmacies and retail outlets to comply with legislation that bans over-the-counter sales of cold tablets containing pseudoephedrine — by putting their inventory under lock and key, or in the case of groceries and convenience stores, getting it off the shelves entirely.

The law, which was signed into law on April 6, is aimed at choking off the supply of the drug that is the key ingredient in the manufacture of methamphetamine. Under the new law, pseudoephedrine is now a Schedule V drug in Oklahoma, or one which does not require a prescription but cannot be sold without proper identification and a signature. While both Iowa and Missouri have similar laws, Oklahoma's is the only one that restricts its sale to pharmacies.

"No more Mr. Nice Guy," said Mark Woodward, a spokesman for the Oklahoma Bureau of Narcotics and Dangerous Drugs. "We will be doing undercover sweeps around the state to identify stores that continue to process and sell pseudoephedrine tablets and they risk jail time."

Under the law, those found guilty of selling the tablets face up to five years in jail and a fine of \$1,000. Pseudoephedrine can still be sold in capsule or liquid gel form by grocery stores, convenience shops and other

outlets because in that form it cannot be used to make meth. In its tablet form, however, only a licensed pharmacist can fill an order. Consumers must still show photo identification and sign a log book. Purchases are limited to nine grams, or roughly six to 12 boxes.

Retail outlets were given 30 days to remove the tablets from their shelves, pharmacies were given 60 days because of larger inventories and the implementation of new, in-store logging systems.

"In the next 60 days after the signing of the bill, it should all be off the shelf, except for behind a licensed pharmacist," said the bill's author, John Nance, a Bethany Republican.

Oklahoma has tried a variety of measures, including education and threshold limits on the purchases of tablets, before taking this step, Woodward said in an interview with Law Enforcement News.

The law was passed, he added, over the strong opposition of the pharmaceutical industry. "Our response was we have tried all this for 10 years and it doesn't work," said Woodward. "We came back to where we have to make it tougher for meth cooks to get large quantities of pseudoephedrine."

In roughly a decade, the number of labs seized in Oklahoma has skyrocketed by an

Let the Buyer Beware:
A Wyoming sheriff gives would-be home buyers and renters a heads-up about properties that might have been used as meth labs.
See Page 15.

astonishing 12,000 percent, he told LEN. Some 1,300 labs were dismantled last year, up from 1,235 in 2002, and 10 in 1994, when the recipe for making the drug using pseudoephedrine surfaced.

Oklahoma ranks third in the nation in lab seizures, behind Missouri and California, but it is first in labs per capita, according to the state narcotics bureau. But unlike the more populous states, Oklahoma does not have the problem of "super labs," said Woodward. The law is targeted at the meth addict who cooks up enough of the drug for himself, his wife and a handful of others, he said.

But to do this, the cooker needs 600 to
Continued on Page 15

Why are mayors & chiefs smiling? 2003 UCR offers plenty of reasons

New York City's crime rate for 2003 sat comfortably between those of Port St. Lucie, Fla., and Fremont, Calif., at 211th out of 230 cities with populations of more than 100,000, according to the preliminary statistics from the FBI's Uniform Crime Reports.

UCR data, based on the reporting of nearly 12,000 agencies, showed a nationwide

decrease of 3.2 percent in violent crime as compared to 2002. Aggravated assault showed the steepest decline, falling by 4.1 percent. Forcible rape and robbery both dropped by 1.9 percent.

Among cities like New York, with more than 1 million inhabitants, the trend toward fewer violent crimes was most noticeable. Violent offenses in those jurisdictions fell by

6.5 percent from 2002 figures. Only those cities with populations in the range of 50,000 to 99,999 reported any increase in violence, of 0.7 percent.

Overall, murders were up by 1.3 percent in 2003, rising the highest in the nation's smallest cities. Those with populations of less than 10,000 led the country with an increase in homicides of 15.7 percent, while municipalities in the 10,000 to 24,999 range recorded an average increase of 10.8 percent. In major cities, meanwhile, the homicide increase was a mere 0.2 percent last year.

In New York City, major crimes fell by 5.8 percent last year. It was down in all categories except for murder, which crept up from 587 killings in 2002 to 597 in 2003.

Out of jurisdictions with populations of a million or more, New York ranked 24th out of 25. "The news for New York City is spectacular," said Mayor Michael R. Bloomberg.

Much of the credit for the decline was given to the police department's Operation Impact, which floods 23 of New York's high-crime areas with academy recruits paired with more experienced officers.

So great was the city's drop in crime that it represented just roughly one-quarter of the national decrease last year.

Crime was down throughout New York State in 2003, the 10th consecutive year to
Continued on Page 15

Wall hanging

An employee of the Bay Area Rapid Transit (BART) installs an anti-terrorism billboard in a San Francisco station on June 22 as part of a systemwide awareness campaign. More than 150 billboards are being installed in an effort to put passengers on alert for unattended and suspicious bags and suspicious behavior.

(Reuters)



AROUND THE NATION

NORTHEAST



DISTRICT OF COLUMBIA — Metropolitan police Sgt. Clifton Rife II was shot dead in June by a 16-year-old male who was trying to rob him. The teen was also killed after the two exchanged gunfire.

MASSACHUSETTS — After firefighters won a grievance to get comp time, New Bedford Mayor Frederick Kalisz banned police officers and firefighters from marching in parades. Last year, Kalisz said that they must march in parades on their own time and not get compensated.

A federal appeals court has ruled that the family of John McIntyre can move ahead with its lawsuit claiming that the FBI's corrupt relationship with mob informants contributed to McIntyre's death. The family says that the FBI gave two gangsters, James "Whitey" Bulger and Stephen "the Rifleman" Flemmi, free rein to commit crimes while they were informants. The case was dismissed by a federal judge who said that the family waited too long to file the suit because they should have known by May 1998 that FBI agents played a role in McIntyre's death. But the appellate court said that the bureau's role was unclear until June 1998, which means the case, filed in June 2000, was filed within the two-year limit.

NEW HAMPSHIRE — Portsmouth police are hoping to enlist the help of hotel clerks and pizza deliverers in a campaign to cut underage drinking. Tips that lead to an arrest will earn a \$50 reward. Currently, it is illegal for the owner of a hotel room or home to host a party of five or more minors if they are drinking or using drugs.

NEW YORK — New York City Police Commissioner Ray Kelly has ordered captains to make regular checks on the Video Interactive Patrol Enhance Response (VIPER) units under their command, after a video of a young man committing suicide showed up on a pornographic web site. The edict follows City Council hearings that revealed how some VIPER officers were facing disciplinary charges for additional wrongdoings. The video was viewed by the victim's grieving mother before it was pulled from the site.

After following a trail of chicken wings and napkins through a field and discovering chicken bones in a nearby garage, Buffalo police arrested three men for allegedly robbing a pizza deliveryman. The deliveryman was knocked over the head with an unknown object before the thieves ran off with the pizza and wings.

New York City Police Officer Bryan Conroy pleaded not guilty on June 10 to second-degree manslaughter in the killing of an unarmed man, Ousmane Zongo, in a Chelsea warehouse last year. Zongo happened to be in a mini-storage facility where police were conducting a raid on CD bootleggers. Zongo, who had no connection to the bootleggers, took off when he saw a man in civilian clothing holding a gun. He was shot four times, including once in the back. Conroy maintains that Zongo was

lunging for a weapon

Using a \$64,000 grant from the state, Troy police are getting new mapping software that will enable them to track crime patterns that would otherwise have required several hours of sifting through records. With the new software, developed by MapInfo, police can create maps based on location, crime, time of day and day of week. The city eventually hopes to get the software installed on all of the computers in officers' patrol cars.

PENNSYLVANIA — Reading Police Officer Michael Wise was fatally shot during a gunfight in June, prompting city officials to vow to increase efforts to reduce violent crime. Wise was the first Reading officer to be killed on duty since 1972.

Jeffrey Lance Murray, 39, who works as a part-time officer in Beaver Borough and Center Township, was arrested in June and charged in the rape of a 30-year-old Beaver woman. Murray allegedly entered the woman's home, demanded sex and assaulted her when she refused. The woman said she took a month to come forward because she was afraid of the officer. Murray is also facing charges of insurance fraud.

After having had his bond revoked, Allegheny County Police Officer Mark M. Short will remain in jail on charges that he traded stolen ammunition for weapons at a Beaver County gun shop. Prosecutors argued that Short, who allegedly stole while on the job as a truck driver for the Allegheny County police SWAT team, poses a danger to public safety. A cache of munitions found at his home included dozens of shotguns, handguns, grenades, as well as plastic explosives and thousands of rounds of ammunition.

SOUTHEAST



FLORIDA — Gov. Jeb Bush has restored the civil rights of 22,000 ex-felons, after a review of 125,000 cases included in a lawsuit against the state brought by felons released from prison between 1992 and 2001. About half of the remaining 103,000 are also likely to get their rights restored if they go through a hearing process. Florida is one of six states that does not automatically restore the civil rights — including the right to vote, serve on juries and hold jobs with state-licensed firms — to people who have served felony sentences.

GEORGIA — Clayton County Sheriff Stanley Tuggle recently announced the formation of a gang task force, following the shooting death of 4-year-old Trevon Wilson, who was killed in the crossfire of a battle between members of the Hit Squad and the Southside Mafia. So far, two gang members have been arrested and face murder charges and police say there may be another 12 to 15 arrests. Lt. Mark Thompson, part of the department's anti-gang unit, said that the county has between 30 and 35 groups, with a total gang population of around 800.

LOUISIANA — Both sides have agreed to delay a hearing in a lawsuit over the consolidation of most of New Iberia's police force

into the Ibena Parish sheriff's office. Mayor Ruth Fontenot has pushed for the merger to reduce city expenses and the City Council voted 4-3 for a resolution authorizing her to sign a 10-year, \$29.5 million contract with the sheriff's department. The plan would eliminate 73 of the 83 police department jobs but Sheriff Sid Hebert has said the displaced officers will be hired by his agency. City police recently held a parade through the downtown area to protest the move.

Shedran Williams, the man accused of killing veteran Baton Rouge police Lt. Vickie Wax with her own gun and wounding two others, surrendered after Police Chief Pat Engle personally guaranteed his safety. Wax was working an off-duty security detail at Wal-Mart when she went to the aid of a store employee who was trying to detain a shoplifter. Witnesses said Williams then managed to grab Wax's gun and shoot her.

The state Senate Judiciary Committee recently gave its unanimous support to a bill that makes voyeurism a felony, punishable by fines and jail time, and requires that repeat violators register as sex offenders. The panel also approved a bill that would impose a minimum five-year sentence on drivers convicted of vehicular homicide if their blood-alcohol level was .15 or higher.

NORTH CAROLINA — A House judiciary committee has passed a bill that would increase penalties for assaults in domestic relationships and require law enforcement officers to get training in domestic violence issues. Some opponents say the bill is too broad because it creates a new offense — assault inflicting serious injury by strangulation — that they believe goes too far. Proponents of the bill, however, say that strangulations are often typical precursors to domestic killings.

A 2003 law that requires DNA samples from all felons, not just the most violent offenders, has created a backlog of thousands of samples at the state crime lab. State Senator Tony Rand (D-Cumberland), the law's sponsor, said that while he requested enough money to obtain and preserve the samples, he did not secure enough funding to have them analyzed. So far, there are 23,000 backlogged samples, and that number is expected to increase to more than 41,000 by year's end at the current pace. State Attorney General Roy Cooper said that some progress was being made, with a federal grant expected to provide enough money for a private lab to process 8,000 samples.

TENNESSEE — Jackson police Sgt. Andy Bailey, a 31-year veteran, was killed on June 17 during a shootout with a purse-snatching suspect. The suspect, Michael Hart, 20, was shot several times and was treated at a local hospital. Bailey, who was due to retire soon, was the first Jackson officer in nearly 100 years to be killed in the line of duty.

In an effort to curb illegal drug trafficking, Chattanooga police are creating a highway interdiction team to stop the drug flow on Interstates 24 and 75 and other major roadways in Hamilton County, which carry a huge volume of traffic and are a primary means of smuggling illegal drugs in and out of the state. The team will be funded with money collected through asset forfeiture. Last year, the police department netted at least \$19,572 from drug-related forfeitures.

VIRGINIA — State troopers will soon trade in their sidearms for new Sig Sauer .357-caliber semiautomatics. The switch will cost the state police \$206,400.

MIDWEST



ILLINOIS — Chicago police are strictly enforcing a revised curfew ordinance this summer to help prevent the usual surge of violence. Children under age 17 are being questioned if they are out after 10:30 on a weekday evening and they can be cited for violations.

Ignoring a veto threat by Gov. Rod Blagojevich, state lawmakers recently voted to give greater legal protections to homeowners who shoot intruders. The action was taken in response to a case in which a homeowner in Wilmette shot a burglar in his home and was charged with violating local gun laws.

Paul Terry and Michael Evans, who each served 27 years in prison for the rape and murder of a 9-year-old girl before DNA exonerated them last year, are suing the city of Chicago and more than a dozen current and former police officials. The lawsuits, which seek unspecified damages, say that police fabricated and altered evidence and coerced witnesses to falsely implicate them because there was pressure to close the case.

MICHIGAN — After deliberating for three days, a jury voted to acquit eight Detroit police officers on charges that they planted evidence, falsified reports and lied in order to lock up drug dealers. The officers' lawyers argued that the case was based on the testimonies of criminals who wanted to drive officers off the force. In all, the allegations have led to indictments against 19 officers.

OHIO — Cleveland police lab technician Joseph Serowik's analytical techniques were so flawed and demonstrated a lack of knowledge about some of the most basic techniques in a sampling of cases, according to some experts, that questions are now being raised about hundreds of the cases in which he testified. These conclusions prompted the city to settle a lawsuit filed by Michael Green, who served over a dozen years in prison after being wrongfully convicted of rape. In that case, experts say Serowik made assumptions that amounted to scientific fraud. In addition, the lab supervisor, Victor Kovacic, who oversaw and signed off on Serowik's work, was a retired police officer and had no expertise in either serology or hair analysis.

Aisha Samad, 49, who was not allowed to wear a religious head covering in jail or in a Cuyahoga County court is suing the county. Sheriff Gerald T. McFaul, the city of Cleveland and a police officer. Since her arrest in 2002, a policy has been adopted that allows Muslim women to wear their head coverings, known as hijabs. At the time, however, jail officials felt that the hijabs could be used to conceal a weapon or other contraband.

The state does not have the funds needed to process about 14,000 mouth swabs taken from convicted felons, as the attorney

general's office failed to ask the U. S. Justice Department for permission to use other DNA-related funds for the processing. As a result, the samples, which the Ohio Department of Rehabilitation and Correction began collecting last year, have not been entered into the FBI's national database. Police brought the backlog to light after a convicted burglar was charged with one count of rape when his DNA sample matched evidence gathered at a dozen rapes from the last 13 years. He was arrested in early June, after his sample was entered into the database.

Police in the Cleveland suburb of Shaker Heights will start charging people who can't keep their dogs quiet or turn down their stereos. Police have started tracking offenses by address and will fine people who are the subject of three or more nuisance complaints in a year.

WEST VIRGINIA — Camp Dawson, a National Guard compound near Kingwood, has been chosen as one of two national centers for homeland security training. The new designation will mean thousands of soldiers and federal agents coming to Preston County every year to train, bringing with them about 100 new state and federal jobs to the area and a lot more customers for Kingwood merchants. The second training center has not yet been designated.

Federal criminal charges recently filed against Logan County Sheriff Johnny "Big John" Mendez allege that he conspired with four other individuals to bribe voters to secure his 2000 Democratic nomination, and also arranged to do the same for his re-election this year. Mendez resigned as magistrate after being convicted in 1993 for illegally paying poll workers during his 1988 primary campaign for that office. He recaptured that seat in 1994 and held it until he ran for sheriff in 2000.



PLAINS

IOWA — Former Fairfield police officer Cameron Cooksey has pleaded guilty to stealing \$1,500 from the evidence room. Cooksey, who is the son of the police chief, was placed on probation and sentenced to 100 hours of community service.

KANSAS — The state is redesigning its drivers' licenses, which will look more like credit cards. Drivers under 21 years of age will be issued vertical licenses that will be easier to identify at a glance.

Gloria Van Winkle was recently ordered released by a judge after serving 12 years in prison. Van Winkle, the only female in the state serving a life sentence for a non-violent crime, had been sentenced under a 1992 three-strikes law, which has since been eased.

MISSOURI — A new dress code may have contributed to a recent 36-percent drop in bank robberies across the state. Over 230 banks have adopted a "no hats, no hoods, no sunglasses," policy, giving employees and video cameras a clear look at patrons' faces.

A bill passed by the state Senate will require

all convicted felons to submit to DNA testing. The bill, which was already passed by the House, was sent to Gov. Bob Holden.

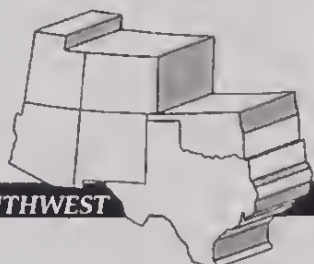
MONTANA — The Sanders County Coalition for Families is expecting to use federal grant money to pay for a lawyer to prosecute domestic violence cases. The county's chief prosecutor, however, called the move a waste of money.

Tracy Brockway, 34, was one of five people charged in a federal indictment for her role in a militia group called Project 7. The group's members are accused of plotting to murder public officials, including police officers and judges, in northwestern Montana. Brockway had penetrated the Whitefish Police Department and was allegedly compiling "intelligence files" on county officers and their families while working as a cleaning lady. She was arrested in May near Atlanta on federal firearms charges.

Glacier County Sheriff Gary Racine resigned and Deputy John Evans remains on unpaid leave after the two pleaded guilty to federal fraud charges for stealing \$31,000 from the American Indian Livestock Feed Program on the Blackfeet Reservation. The program provides financial assistance to livestock owners on tribal lands who are hurt by natural disasters.

Bridger Mayor Bill Kroll has threatened to resign after arguing with Police Chief Steven Doran at a City Council meeting over taking the town's only police car home at night. Doran, who said that he needs the car to be able to respond quickly to emergencies, said that he was devastated by the council meeting. Kroll called Doran a hotshot and said "He's not doing nothing," but a City Council member said that everyone thinks the chief is doing a wonderful job.

SOUTH DAKOTA — According to the FBI, a South Dakota task force has become the model for agencies across the nation to track drug crimes on and off Indian reservations. The task force enables investigators from various agencies to work together in providing leads in order to trace drug trails.



SOUTHWEST

COLORADO — Federal drug agents recently seized more than 800 marijuana plants from two Denver-area homeowners who have state certification to grow the plant for medical purposes. The state law says that they may not possess more than six plants or two ounces of loose marijuana.

Denver police "spy files" will be archived so that subjects can view them. Mayor John Hickenlooper apologized for the files on members of peaceful protest groups, which covered more than 10,000 people and 1,000 groups over the past half-century, citing a "general lack of oversight."

OKLAHOMA — A petition from the state attorney general is seeking the removal of Sapulpa District Judge Donald Thompson

for allegedly masturbating and using an erection-enhancement device while on the bench when court was in session. A court clerk also stated that she once saw the judge shaving his genital area while on the bench. The judge's attorney said that the judge flatly denies the bizarre allegations and claims that members of local law enforcement who are not happy with some of his recent rulings are trying to embarrass him.

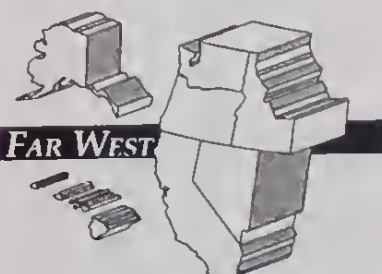
TEXAS — Corpus Christi police have asked local TV stations to run a disturbing videotape that shows a group of up to eight men setting fire to a homeless man, in the hope of identifying the attackers. Rev. Robert Trache, director of Metro Ministries said that the incident was the third in a 24-hour period that targeted homeless people.

A 44-year-old man who allegedly agreed to blow up a woman has been ordered by a federal magistrate to remain in the Smith County Jail while a grand jury reviews the case. The FBI had received a call from an acquaintance of the suspect who said the man had been making pipe bombs and planned to sell them. The intended target was an undercover agent.

The NAACP has filed a complaint with the U.S. Justice Department accusing the Austin police of using excessive force against minorities. The complaint seeks to block about \$3.2 million in federal funds that the department receives and has triggered an investigation into whether the police department has violated any civil rights.

The Harris County Sheriff's Department has adopted a new protocol that forbids officers from shooting into vehicles unless someone inside is pointing a gun or using some other type of deadly force other than the vehicle itself. A study by The Houston Chronicle found that during a four-month period in 1999, six people were killed and 16 others were injured in Harris County by officers firing into vehicles.

UTAH — State Attorney General Mark Shurtleff wants to remove the law-enforcement certification from seven of Hildale's 13 officers, who are practicing polygamists. Along with the adjacent town of Colorado City, Ariz., Hildale is home to the polygamist Fundamentalist Church of Jesus Christ of Latter Day Saints.



FAR WEST

CALIFORNIA — Former Los Angeles police chief Bernard Parks, who is currently a City Council member, has announced plans to run against Mayor James Hahn, who had opposed his appointment to a second term as chief. The last time a former police chief in Los Angeles was elected mayor was in 1916.

Redlands police will help screen youths to be housed in a group home, as one of several concessions made to appease some of the home's neighbors. Although the home is meant to house youths who are mentally

retarded, epileptic, autistic or have cerebral palsy and who have been abused by their parents, residents are concerned that the diagnosis fails to address whether the children have other problems, such as drug abuse or a tendency toward violence or inappropriate sexual behavior.

Federal health officials threatened to stop funding the Martin Luther King Jr./Drew Medical Center after several incidents in which police used Tasers to subdue mental patients. The threat was rescinded after the hospital agreed to temporarily bar police from using Tasers and to develop a special response team.

Los Angeles sheriff's deputy Michael Arruda died on June 15 after being shot by a colleague during a confrontation with an armed suspect. He and other deputies were called to a motel on June 9 to check on a man who then fired at them with a BB gun that resembled a .40-caliber Beretta handgun. Police opened fire, killing the man and striking Arruda in the neck.

IDAHO — Bonneville County Prosecutor Dane Watkins is trying to find \$85,500 to keep the county's domestic violence intervention program going. The program, established in 1996, has been paid for by federal funds funneled through the state Department of Law Enforcement. Watkins said that since the program has been in existence, recidivism has been reduced by roughly two-thirds, to between 10 percent and 16 percent.

State Police troopers are upgrading their rifles from the Ruger mini-14s to the Colt M4 .233-caliber rifles. Police say that the older models had become defective in some cases and the new Colts offer more firepower.

A new emergency notification system in Bonneville County, CodeRED, did not meet expectations when it was used for the first time recently and only warned about half of the people the police wanted to contact. Police had to go door to door to warn the rest of the people about a nearby pipe bomb. County officials say they plan to update the system's database so that more people can be contacted in the future.

WASHINGTON — Pierce County sheriff's deputies will soon trade in their old green and brown uniforms for new dark blue ones. A sheriff's department spokesman said the old uniforms were too rural looking.

The state Supreme Court has overturned the police practice of asking passengers for identification during a traffic stop, which it said violates the state's constitutional privacy protections. The ruling reversed convictions in two drug-related cases.

A report by the board that oversees the Seattle Police Department's Office of Professional Accountability has recommended that the department tighten its policy on the use of Taser stun guns. The report came after two complaints about Taser use, one in which a man claimed he was shot 14 times and another in which a man said he was shot with two Tasers at the same time by two officers. Police officials noted that in 2003 there were no fatal police shootings and attribute that in part to their program of using less-lethal options.

Legal beagles sniff out edible contraband

They're cute and friendly, but when it comes to food, never underestimate the tenacity of a beagle, say inspectors with the U.S. Department of Agriculture, who use the hounds at O'Hare International Airport in Chicago to sniff out contraband plants, vegetables, meat and other items smuggled in from overseas.

O'Hare's Beagle Brigade was launched in 1988 and modeled after a similar agriculture detector dog program begun four years earlier in Los Angeles. It was integrated into the Department of Homeland Security in March when the U.S. Customs Service, Immigration and Naturalization, Agriculture Inspection, Public Health, and Fish and Wildlife were merged under the umbrella of U.S. Customs and Border Protection.

"So rather than have all the different agencies, we have become one face at the border," said Chense Miles, the agency's public affairs officer in Chicago.

Only one in 100 beagles is selected for the Brigades. With its unusually keen sense of smell, gentle temperament and excitability about all things edible, the breed is ideal for the job, canine handler Anita Gonder-Kozlowska told *The Chicago Tribune*. "If they were the kinds of dogs that would get full or bored with getting treats, there would be no motivation for them to work. But

beagles just love to eat."

By February, Rhum, Dixie and Star, the three dogs that make up O'Hare's team, were credited with the seizures of 360 pounds of meat, and 456 pounds of fruit and vegetables. Overall, Beagle Brigades at the nation's ports of entry were credited last year with identifying more than 75,000 prohibited agricultural items, having cleared 50,173 flights.

"The dogs couldn't be cuter, but when you take into account the devastating effects parasites could potentially have in our country, you realize how serious their job is," Miles told *The Tribune*.

Potential candidates are adopted from shelters or rescue centers, or donated by breeders. They have to be highly socialized and have strong hips for working on their hind legs, said Jay Weisz, director of the training center where the dogs will spend five weeks learning to sniff out plants, vegetables, meat and soil. If they make it through, then they spend another 10 weeks getting adjusted to their handler. Good homes are found for those who do not make the cut.

A strong bond is formed between the dogs and their handlers; most will find a home with them when they retire. As long as they stay healthy and interested in working, a



Strong hips are a job requirement for members of the Beagle Brigade, who spend a lot of time working on their hind legs.

beagle's career can last from six to 10 years.

During the five-week session, the dogs are taught to recognize the smell of apples, mangoes, citrus, beef and pork. Some will eventually learn to detect as many as 50 different scents.

"They are taught to sit whenever they come in contact with any of these scents, and are rewarded with a treat," said Weisz. "Gradually, we make it more difficult for them, going so far as to hide the contraband scents among other odors that they have to be taught to ignore. We don't want them responding to things like fish or candy in a suitcase, only the items that are banned."

When the dogs find something, the

handler says "show me," and the beagles identify which piece of luggage has the contraband item by touching it with their nose or paw.

"People tend to bring in a lot of raw meat, even though it might've been in a suitcase for 20 hours or so," said Gonder-Kozlowska, who handles Star. "In one instance, we found a half a pig inside a suitcase. The gentleman didn't want to admit he had anything but our dogs let us know there was something in the bag. We sent the bag to an area where it was checked, and the gentleman who owned the bag acted very surprised and said he didn't know the pig was in there."

A sketchy profile?

New DNA technique breeds hope & concern

A new tool to help police crack burglaries and other crimes where it's tough to make an arrest? It sounds great, but forensic experts and some federal investigators are skeptical of a new technique called low copy DNA analysis that uses far fewer cells' worth of genetic material to create a profile.

Instead of the 150 or so cells needed for conventional genetic testing, low copy analysis makes it possible to use specimens gathered from smudged fingerprints, skin cells left inside a ski mask, and other samples previously considered too small for collection.

The DNA is then amplified, or copied, in cycles, according to a report by *The New York Times*. Instead of the 28 copies that conventional testing requires, low copy testing needs at least 32 cycles. And as with a photocopy of a photocopy, the original DNA can lose its fidelity.

"There are many problems associated with the technique, including spurious results," said Lawrence Kobilinsky, a serologist and associate provost at John Jay College of Criminal Justice.

One problem that could occur when using such a small number of cells is something called the stochastic effect, or the chance overamplification of one gene over another.

"The issue has a lot to do with interpretation, and this is what happens when you're dealing with too few copies of the original DNA," Kobilinsky told *Law Enforcement News*. "When you apply low-copy number techniques and you really go below 50 cells, say you're talking about 3 to 5 cells, you're at the stage at a molecular level where things happen by chance."

Kobilinsky also voiced concerns about

contamination. When working at such a level of sensitivity, DNA can be picked up that has nothing to do with the case, he said. In fact, those cells may have been left months earlier and may be in greater concentration than the sample being measured.

"When you start looking at all the potential problems for interpretation, and then you have people saying there is no possibility of human error, which is sheer nonsense. The problem is how do you measure that?" he asked. "It's very easy to perform a low-copy number procedure. All you need to do is increase the number of cycles of amplification. But you can get into a lot of trouble when you're starting out with too few molecules."

Forensic scientists at New York City's chief medical examiner's office disagree, however.

A high-sensitivity lab that will be housed in a new \$267 million forensic biology building near Bellevue Hospital Center is scheduled to be completed by 2006. Once it is operational, the lab will use robots to test 800 samples a day at an estimated cost of \$4.4 million a year, not including the cost of added training and work for the police crime scene unit, according to Thomas Brondolo, deputy commissioner of the chief medical examiner's office.

"It's the type of thing you find the money for if it works," said Police Commissioner Raymond Kelly. "It would be tremendously cost-effective. It's really tough to make a burglary arrest."

Much of the impetus for the new technique came from the Sept. 11, 2001, terrorist attack. With 8,553 remains from the World Trade Center to analyze, the city's forensic scientists honed their ability to

handle a high number of tiny, degraded samples.

"The World Trade Center drove a lot of this," Robert Shaler, director of the forensic biology unit of the medical examiner's office, told *The Times*.

In a high-sensitivity lab, preventing contamination is key. DNA extracted from swabs will be split into two test tubes, with both samples undergoing the procedure to guard against error.

The facility itself is a series of rooms connected by antiseptic glass cabinets or evidence pass-throughs. The tubes will be irradiated to destroy stray chromosomes, and technicians will wear gloves, masks, gowns and booties. Legal releases are being drawn up so that DNA can be taken from the cleaning staff to serve as elimination samples.

With a \$185,000 grant from the National Institute of Justice, the New York City Police Department has already begun to collect minute samples from break-ins. These are still from conventional sources, however, such as saliva from a cigarette butt.

Although only an estimated 10 percent to 20 percent of low-copy samples are expected to yield results, even that small a percentage could significantly reduce property crimes because thieves are often repeat offenders, said Shaler.

While low-copy testing may have its uses as an investigative tool, as is the case in Great Britain, whether results garnered from the technique will hold up in court is another matter, said Kobilinsky.

Since 1999, he told *LEN*, the British — who pioneered the method for criminal cases — have used low-copy testing strictly for investigation and not litigation.

A typical sample there, according to *The Times*, is 30 to 50 cells.

"Of course police departments are going to love this," said Kobilinsky, "but the question is, what about the innocents that are going to be affected by it? First of all, you should only be working with a reliable scientific method. That's the whole point of standards in admissibility of evidence in a courtroom."

And there are other problems, experts say. Because the sample will be destroyed in testing, there will be no way for defense attorneys to conduct their own tests. Then there is secondary transfer. Another person's DNA could be left at the scene if the perpetrator happened to shake hands with a friend before robbing a house.

But Lisa Friel, chief of the Sex Crimes Prosecution Unit of the Manhattan District Attorney's office, said that the fact that a sample is used up in testing does not disqualify its results in court. It could help solve violent crimes, she told *The Times*, such as rapes in which a condom is used.

DNA lifted from a handled object has already been used to solve crimes in New York, said Friel. John Ramos, a suspect in a burglary and attempted rape, pleaded guilty in May and received a 20-year sentence after DNA was taken from the bridge of eyeglasses he had left at the scene.

"If it's a choice between that or people who saw somebody fleeing, I'd rather have the DNA evidence," she said.

MOVING?

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Promotion system spells staff crisis for FBI

The FBI is undergoing a crisis in staffing, according to current and former officials who say that a failed promotional system has resulted in dozens of key positions being left vacant, and hundreds of agents in supervisory positions who have little actual authority.

The situation took a turn for the worse in May after a court found a promotional system devised by an outside firm to be flawed, but the problem has been ongoing for more than a decade.

In 1991, minority agents successfully sued the bureau over its promotional practices. Since then, the agency has been trying to come up with a better policy. But with a determination of "invalid" by a group of psychologists appointed to review the system by the court, it has gone back to square one.

Mark Bullock, assistant director of the FBI's Administrative Services Division, told *The Baltimore Sun* that a temporary fix is in place that relies on an older promotion system. "We have made substantial progress, and we have decided to move forward with promotions," he said. "It will be difficult to process all of the [suspended] promotions because of the volume, but we have plans in place that will allow us to meet our needs."

Under the old system, agents who wished to move up applied merely by stating that they were qualified. A supervisor followed with a letter of recommendation. After looking over the applicant's record, a review panel would vote on promoting the agent.

Although much of the old process will be used, Bullock said that new elements will be incorporated, including random verification checks on applicants' records.

Aon Corp., which was paid millions of dollars to devise the system that had to be scrapped, has now been asked by the bureau to survey other law enforcement agencies about their promotional systems. The process could take a year or longer.

Said David J. Shaffer, the lead counsel in the minority agents' lawsuit: "They hired the largest human resources company in the country and they [FBI officials] were still completely unable to create any kind of system that works. Now we're essentially taking five steps backward while we have to pilot-test a whole new system."

Under the process developed by Aon, agents were required to "role play" over the phone with an outside contractor. The applicant pretended to be in a leadership position while the contractor posed hypothetical situations which could occur on the

supervisor's watch.

Although the approach was criticized by agents as either allowing the best actors to pass, or using contractors who did not know the right response to a particular law enforcement situation, 81.7 percent of the 2,551 agents who took the test passed, said *The Sun's* sources.

"Agents — black agents, white agents, all of them — are concerned and frustrated," Shaffer told *The Sun*. "So many slots are vacant and so many positions are 'acting.' We're trying to be reasonable with [the bureau], but this is ridiculous."

At the 2003 convention of the agents' national association, agents directed their board to officially request that applications for promotion be reviewed by top bureau officials. The group also hired an outside firm to poll agents on how qualified they believed their bosses were. It was unclear whether the results, which were sent to FBI Director Robert Mueller, were ever reviewed.

One senior agent said that he had "wracked his brain" trying to figure out why the old promotional system was stopped before a new one put in place. "You just don't do this," he told the newspaper.

Shots fired? It's no mystery as to source

To say that the trees are listening is no poetic whimsy, but rather a description of a new technology that is helping police in Franklin County, Ohio, locate precisely where a gunshot originated.

The gadget is called SpotShooter and was developed by a Mountain View, Calif., firm of the same name. It works by affixing acoustic sensors to trees, telephone poles and structures. When a gunshot is detected, SpotShooter calculates the position from which the gun was fired, and sends the data over phone lines to a central server accessible to law-enforcement agencies, according to a report by *The Wall Street Journal*.

SpotShooter is said to be so precise that it can distinguish a gun shot from a car backfire, or fireworks.

The Franklin County Sheriff's Department began using the technology in May 2003 when a sniper began shooting at drivers along highways surrounding Columbus. While it did not help police find the sniper, who was arrested in Las Vegas in March, law enforcement officials were impressed. With the software, the sheriff's department was able to send out just two teams to respond with remarkable accuracy, rather than 10 SWAT officers who were dispatched whenever a 911 call came in, said Sgt. Ross Staggs.

"Had the shooter continued to operate within areas that had the devices we would have absolutely made an apprehension," Staggs told *The Journal*. "We couldn't get the sensors up fast enough to catch him."

The device is currently installed in about a half-dozen jurisdictions. In Charleston, S.C., for example, SpotShooter has been credited with assisting in 15 to 17 arrests, said Sgt. Karen Cordray.

Lack of portability, however, has been a hindrance, although that may be conquered soon enough. Looking ahead, ShotSpotter is developing a wireless system that can communicate through a set of radio frequencies.

In addition, users will also be provided with a library of weapon sounds embedded in the system. The wireless device will not only pinpoint where the shot came from, but what type of weapon was fired.

"What we hope to get out of this is that when agencies don't have the funding to buy one and have a need, that we would be able to lend this thing to that event," said Bart Coghill, product manager at the National Law Enforcement and Corrections Technology Center-South East. The agency, which researches and advises law enforcement on

technology issues, has been issued a \$750,000 grant by Congress to find ways to improve the system.

SpotShooter does not come cheap. It costs \$180,000 for the software license and eight sensors. Additional sensors run \$2,640 each, and each additional wireless sensor would cost roughly \$5,000.

SpotShooter has teamed up with Xybernaut Corp., a maker of wearable computers, to come up with a device about the size of a handheld email unit that can be sewn into jackets or body armor, or placed in patrol cars. Within seconds, data on the location and type of weapon can be sent through virtually any type of digital display, including a cell phone.

Coghill said he hopes that the response time of the device can also be improved. Steps could be saved, he said, if the dispatcher can be bypassed when the software notifies officers of shots fired in the field.

Candid camera that's nothing to smile about

They have proven themselves as a great crime-fighting tool, but cell phone cameras can also be used to commit outrageous invasions of privacy — something that is not yet a crime, but soon will be if federal lawmakers have their way.

Twenty states have already enacted laws making it illegal to videotape someone secretly, but some are trying to modify those to include snapping photos with a cell phone.

Iowa is one of a number of states, including Maryland and California, that have crafted legislation specifically aimed at the problem, according to the National Conference of State Legislatures. Under the Iowa proposal, cell phones with a camera feature would be banned from dressing rooms, locker rooms and other public places where people disrobe.

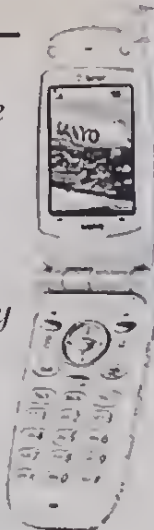
"No one should have to go through the embarrassment of being secretly taped by an electronic peeping Tom, or seeing those pictures turn up on the Internet," said U.S. Representative Mike Oxley, an Ohio Republican and former FBI agent who advocates a federal bill that would make taking such pictures punishable by up to a year in jail.

Oxley told *The Associated Press* that he has heard numerous stories about individual privacy being violated, even in one's own home.

A Sammanush, Wash., man, 20-year-old Jack Le Vu, pleaded innocent to a charge of voyeurism in December after being charged with using his cell phone to take photographs up a woman's skirt. He was released on \$25,000 bail.

According to a witness, Le Vu pretended to scan a grocery store's lower

"This is a case where the law is trying to catch up with the technology or the misuse of the technology."



shelves as he followed a 26-year-old woman around the market.

With no applicable federal law, and a just a patchwork of state laws, Oxley said it was difficult for prosecutors to make cases.

"That's why we wanted to make a specific crime so there would be no misunderstanding which law applies," he told *The AP*. "This is a case where the law is trying to catch up with the technology or the misuse of the technology."

A federal bill that has already passed the Senate would make it illegal to videotape, photograph, film, broadcast or record a naked person or someone in their underwear, anywhere they would consider themselves to be able to undress in private. Sneaking photos, such as with a cell phone camera, of someone's private parts, would also be forbidden under the federal proposal.

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Jennifer Nislow
Associate Editor

Wendell Velez
Submissions

Nancy Egan
Contributing Writer

Correspondents: Walt Francis, Tom Gutchoff, T.L. Tyler, Ron Van Raalte.

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Cleared for takeoff

Patrick J. Harnett took office as the new police chief of Hartford, Conn., after the city's corporation counsel concluded that Harnett did not need to have Connecticut police officer certification to hold the job.

The certification issue had been just one more item on a list of things that had police and community leaders angry about the selection of an outsider instead of popular Acting Chief Mark R. Pawlina.

Harnett, 61, replaces Pawlina, who had stepped in on an interim basis when Chief Bruce Marquis was forced to resign earlier this year. A veteran narcotics detective who headed up the New York City Police Department's Narcotics Division during the mid-1990s, Harnett is credited with breaking



Patrick Harnett
Back in the saddle

up drug gangs and leading efforts to reduce drug use in the city's parks.

After retiring from the force, Harnett became a consultant, joining former NYPD Commissioner William Bratton's consulting team in 2001 on a trip to Venezuela, where he helped create a data-gathering system and remodel a police precinct.

Harnett was also hired by the Philadelphia school system to conduct an assessment of safety issues.

Harnett, who was sworn in on June 24, was the first major appointment by Mayor Eddie Perez since the mayor assumed greater powers under a revised city charter.

Perez, who had clashed publicly with Marquis, said Pawlina understood that he would not be considered for the post permanently unless the national search conducted by a Boston consulting firm proved unsuccessful.

But residents were disappointed.

"We've finally gotten the police department to the point where everybody is happy with it, and we're going to throw it all away," said David Kovacs, one of a several dozen people who showed up in May to protest Perez's decision. "It's unbelievable."

The ruling by corporation counsel John Rose Jr. spared Harnett from potentially having to complete hundreds of hours of classroom and physical training that are required of Connecticut officers, although he may function as chief without all of the police powers granted to certified officers.



Seeing the light

New Mexico State Police Officer Lance Bateman watches the videotape from the dashboard-mounted camera in his cruiser, in which he and Officer Clint Varnell are seen being struck by lightning while helping rescue two women and three small children from a car on a flooded roadway. A storm on July 20 dumped up to 4 inches of rain in just a few hours on the Portales area. Despite the lightning strike, Bateman and Varnell continued working for another two hours until flash flood waters began to recede. They eventually drove themselves to a hospital.

Worldly wise

Back when John Harrington was studying Asian culture at Dartmouth College in New Hampshire, little could he have known how handy that knowledge about the Hmong would be as a St. Paul officer, and now as the city's police chief.

Harrington, 48, assumed command on July 1. He was the unanimous choice of the



John Harrington
No-surprise selection

city's selection committee, and the top choice of at least four of the seven City Council members, making it all but impossible for Mayor Randy Kelly to appoint anyone else.

Described by the mayor as a "well known, well respected, and well regarded scholar," Harrington is St. Paul's second black chief. The first, William Finney, retired after

leading the agency for 12 years.

"I don't think anybody was surprised," Dave Titus, president of the St. Paul Police Federation, said of the selection.

Linda Miller, knows the new chief well from her work as executive director of Civil Society, a social justice agency that operates in the western district, the area Harrington has commanded for the past four years. "I think the world of him," she told The Minneapolis Star-Tribune. "He's very community-oriented, very conscious of many cultures, very accepting. He's a strong leader accepted by the community and the police force."

While the Chicago-born and raised Harrington comes from a law enforcement family — his father was a Cook County sheriff's deputy — his career path has veered somewhat from the traditional.

A student of Chinese and Far Eastern religions at college, Harrington holds a bachelor's degree in religion, a master's in education, and is working towards a Ph.D. in public administration. His application for the chief's post was laden with quotes from anthropologist Margaret Mead and Sir Robert Peel, the 19th century British statesman who is considered the father of modern policing.

Of his course work at Dartmouth, Harrington says: "I didn't think at the time it was going to be much use to me when I got here, but it has really served me well."

He joined the force in St. Paul 1977 as one of a dozen minority recruits hired under a court order to increase diversity. During his 27 years with the agency, Harrington has worked in the juvenile unit, the communications center, the training unit, and as a street cop in virtually every part of the city.

As commander of the western district, which contains some of the city's poorest sections — and some of its wealthiest — Harrington has led a unit of 100 officers in what he calls "community problem solving"

policing.

One of his most successful initiatives in partnership-forming between the department and the community has been the creation of the God Squad, a group of ministers who are called out whenever gang violence erupts, or when police need help controlling crowds at crime scenes.

"It has been instrumental, quite frankly, in stopping gang violence," said Harrington.

He also created the Western District Police Athletic League, an after-school basketball program for boys and girls that officers run while on duty.

Repeat performance

Arkansas State Police Lt. Col. Steve Dozier has been asked to fill in once again as the agency's director following the unexpected departure of Col. Don Melton.

Dozier previously took the helm in February 2001 when Col. Tom Mars also abruptly resigned.

Both Melton and Mars complained about interference from state police commissioners. Said Melton, a former U.S. marshal: "Quite frankly, the combativeness has gotten to where it just paralyzes me when it comes to directing this agency. My personality is to bow up and fight, but if I did that... it would damage the men and women of this agency, and that's not the right thing to do."

State law, Melton suggested, should either restrict the role of the commission in its power to review promotions, demotions, disciplinary action and employment applications, or make it more accountable for the decisions it insists on being involved in.

Mars, too, had complained about commissioners.

But Dozier will not address the problems between Melton and the commissioners. As interim director, he said, he wanted to work with the commission to make promotions and fill some of the agency's 100 trooper vacancies.

"I'm honored the governor would entrust me once again to serve as interim director, but the men and women of this agency will deserve all the credit because people on the highways won't see a difference," in troopers are doing their jobs, Dozier told The Arkansas Democrat-Gazette.

Governor Mike Huckabee told the newspaper that he was not aware that the "system was broken."

Sometimes the chemistry does not work, he said, "but that doesn't mean one is right and one is wrong."

Unwelcome spotlight

Comments made by New York City Police Commissioner Raymond Kelly in which he publicly credited one of the department's detectives with breaking a terrorism case in London has infuriated members of the joint federal task force working on the case.

In an email message to the roughly 1,100 agents in New York, Pasquale J. D'Amuro, head of the city's FBI office, wrote: "For the sake of accuracy the message put out to the media that the success of this case was due

to one person's involvement could not be further from the truth. This is NOT the way we do business."

D'Amuro praised the investigator singled out by Kelly, **George Corey**, calling him a "great asset." Corey, he noted, did not seek the media spotlight.

In fact, said D'Amuro, safety concerns about Corey's family following the attention led to his removal from London before the hearing of **Abu Hamza**, a Muslim cleric arrested in May and charged with involvement in a 1998 hostage plot in Yemen and a 1999 effort to set up a terrorist training camp in Oregon.

British authorities are holding him at Belmarsh prison, the country's highest-security jail, pending an extradition request from federal prosecutors in Manhattan.

Corey was among the 130 detectives sent to London by Kelly to conduct terrorism investigations overseas. Said Corey's supervisor on the terrorism task force, Chief **James Waters**: "Nobody is better than New York cops at interviewing a difficult suspect, and then getting him to flip and give information."

After Corey was mentioned during a joint press conference held by Kelly, Attorney General **John Ashcroft** and federal prosecutors to announce Hamza's arrest, Corey's wife, according to a Newsday source, became concerned for her family's safety. The only information released about the detective's personal life was that he was married with children, lived on Long Island, and was 40 years old.

Paul J. Browne, the NYPD's deputy commissioner for public information, defended Kelly's comments, which he called evenhanded. It was natural, he said, for local newspapers to focus on Corey because he is a New Yorker.

But D'Amuro called the publicity "an orchestrated effort by others," although he did not name Kelly.

The incident was a blow to the morale of the task force, he asserted. D'Amuro said he has received numerous phone calls from FBI agents and Scotland Yard investigators who were upset by the statements.

Long-term thinking

Back in 1975, male police commanders in San Francisco were so sure that women wouldn't last a week on the job that they held off issuing them uniforms. Well, the joke was certainly on them.

Two of the women from the agency's first co-ed academy class, **Barbara Davis-Regan** and **Vicki**

Quinn, retired in July after 29 years on the job. And **Heather Fong** — who joined the SFPD two years after Davis-Regan and Quinn — is now the agency's chief.

Fong, 47, (right) who took command in May, was San Francisco's first Chinese American policewoman. She came to national attention, however, in March 2003 when Mayor **Gavin Newsome** named her to direct the



department for eight days while then-police chief **Earl Sanders** and his top assistant, **Alex Fagan Sr.**, were briefly under criminal indictment in the so-called "Fajragate" scandal.

Her performance was so outstanding that it led Newsome to appoint her acting chief in January. Handing him a detailed plan for restructuring the agency and then implementing it, even as Newsome searched for a new chief, Fong won the permanent appointment.

A San Francisco native, Fong grew up in the city's North Beach neighborhood, just outside of Chinatown. She is the second Asian-American to lead the department. The first was **Fred Lau**, who, like Fong, joined the agency at a time when the SFPD was hiring many women and minorities.

From the beginning, Fong's talents were used in critical, but behind-the-scenes type positions. While still in training, Fong was assigned to transcribe hundreds of hours of audiotapes made of Chinese gang members suspected of 16 shootings at a Chinese restaurant. Fong's patient evidence-gathering resulted in four convictions.

When Fong was promoted to captain in 1994, she was put in charge of the department's planning section. She remained there until Chief Lau reassigned her in 1996 as captain in charge of the Central Station, which oversees Chinatown, North Beach, Union Square and the Financial District.

"She thinks long-term," said **Sherman Ackerman**, a retired inspector who worked under Fong in the planning unit. "She's probably a better planner than any chief we've had in decades," he told The San Francisco Chronicle. "Most chiefs are obsessed with the short term. They just want nothing to go wrong on their watch. Heather sees the big picture. If Newsome lets her, she will make reforms that will still be noticed 20 to 30 years from now."

Ready for his closeup

While he is an insider, having begun his career with the Dallas Police Department, the fact that **David Kunkle** has been away for 22 years gives him just enough outsider



status to satisfy officials who appointed him chief of the troubled agency May.

The 53-year-old Kunkle (left) has served as chief in both Grand Prairie and Arlington, Texas. In

Arlington, he also served as deputy city manager for the past five years. Kunkle was selected from a field of 70 candidates that included such policing luminaries as former Minneapolis police chief **Robert Olson** and Pasadena, Calif., Chief **Bernard Melekian**.

To take the job, Kunkle accepted a cut in pay. He will make \$138,600 a year in Dallas; he would not say what he had earned in Arlington.

"I did not put myself in a strong negotiating position because if offered the job, I would take it under any circumstances," he

told The Associated Press. "I've watched and observed the Dallas Police Department over 32 years, its history, tradition, what it's done right, what it's done wrong, and I thought at this particular point in time, I may have been the best choice for the chief's position."

Kunkle assumes command of a badly demoralized force. Dallas has one of the highest per capita crime rates in the nation. Its former chief, **Terrell Bolton**, was fired by city manager **Ted Benevides** for poor performance. The department has been without a chief since last August.

Although some officers had hoped that a black or Hispanic officer would be selected, most are pleased with Kunkle.

Said **Malik Aziz**, president of the Dallas chapter of the Texas Peace Officers Association: "He's more concerned about the job and the challenges that lay ahead. Most men aren't willing to take a pay decrease, especially in this harsh economic time that we're living in right here. It shows you a lot about his character, that he's ready to take the reins of a department and hopefully guide us to better days."

As chief in Arlington, a job he held for 14 years, he was credited with boosting the number of minority officers from 8 percent to 30 percent, reflecting the racial diversity of the city of 355,000 residents.

Known for soliciting the input of both officers and community members, Kunkle established the Arlington Citizen Police Academy in 1987, the third such program in the nation.

Kunkle joined the Dallas police in 1972. He graduated at the top of his academy class, and in the 10 years he served on the force, was promoted three times. Kunkle was the agency's youngest captain at age 29.

"I think it's refreshing that he's been out of the department for 22 years," Mayor **Laura Miller** told The Houston Chronicle. "I think if it was somebody who had just left I might be a little concerned about that. My greatest hope is that the rank and file will be very happy today."

Kunkle, who took office in June, wasted little time in making his mark on the agency's upper echelons. On July 28, in what he described as an effort to move past scandals involving falsified drug evidence, Kunkle demoted three assistant chiefs, two of them to sergeant, and promoted eight other officers.

No-hitter in Baltimore

The city of Baltimore was temporarily without its police commissioner for two weeks in late May while Howard County investigators completed an independent probe into allegations that **Kevin P. Clark** assaulted his fiancée.

On June 2, Baltimore Mayor **Martin O'Malley** announced that the investigation had found the allegations to be unsubstantiated, clearing the way for Clark to return to duty. He had been on voluntary paid leave since May 18.

Clark and **Blanca Gerena**, with whom he has a 4-year-old son, were having a dispute in the pre-dawn hours of May 15 when Gerena walked out of the couple's home and asked police who were stationed outside as part of Clark's security detail if she could use the phone. Police asked if she was all right, and both reported hearing her say in broken

English "He assault me." She then left the scene with a friend.

One of several high-ranking officials who responded said Gerena's friend, **Leonor Trujillo**, said Gerena suffered from neck and back injuries, and that Clark has previously assaulted her. In an interview with The Baltimore Sun, Trujillo has disputed making such statements.

Gerena and Clark acknowledged that they had had an argument, but both denied any physical violence. Neither of the officers outside the home reported seeing any sign of injury.

Clark has been reluctant to discuss his private life, which appears complicated. He and his wife, **Natasha Clark**, have been separated for 14 years but remain married. They have four children ranging in age from their teens to their mid-20s, and own the home in Westchester County, N.Y., where Natasha Clark resides.

Many of Clark's supporters expressed outrage at the exposure of his personal life, with some protesting outside police headquarters, claiming the police union was trying to undermine Clark because he is black. Protesters noted that Clark's predecessor, **Edward T. Norris**, was not asked to step down while being investigated for using department funds to pay for lavish personal expenses. Norris, who is white, pleaded guilty in March to federal corruption charges.

The president of the Fraternal Order of Police, **Dan Fickus**, issued a written statement in which he rejected the protesters' allegations, calling it "truly shameful" that the matter had been turned into a "racial incident."

County investigators, who handled the probe to avoid any appearance of a conflict of interest, concluded that no assault had occurred.

Family affair

The Miami-Dade County, Fla., Police Department swore in **Robert L. Parker** as chief in May, the first African American leader in the agency's history.

Parker began his 28-year career on the force in 1976 after serving in the military. His rise through the ranks was swift and steady. Within six years of joining, he was a sergeant of detectives. Parker made lieutenant in 1991, then division chief eight years after that. In 2002, he was appointed assistant director.

Community and civic involvement will be among Parker's stated priorities. He was praised by Mayor **Alex Penelas** for picking up a shovel last year and helping residents clean up debris in the wake of a tornado that ravaged a Miami-area neighborhood. Parker was also on hand to help in the aftermath of Hurricane Andrew in 1992.

He served on a blue ribbon panel on deadly force, the city's Super Bowl Host committees, and the Business Anti-Smuggling Cargo Theft committee.

Parker's wife and a daughter, one of his three children, are also police officers. He is currently completing a master's degree from the University of Miami, to go along with the bachelor's degree in criminal justice he holds from Barry University. He is a graduate of the FBI National Academy.

He succeeds **Carlos Alvarez**, who retired in April to run for county mayor.

SHORT TAKES

Let's get physical

More than a dozen suburban police departments in the Chicago area will participate in a program aimed at teaching officers how to become fitness trainers in their own agencies.

The initiative was launched by the Intergovernmental Risk Management Agency, a group that manages liability claims for a number of jurisdictions. It hopes to establish fitness testing standards for its member agencies over the next three years.

Under IRMA's proposed exam, a uniform standard would measure strength, cardiovascular endurance, motor agility and the ability to handle short bursts of exertion, according to a report by The Chicago Daily Herald.

"When you critically examine the job of a police officer, a great deal of time is spent in administrative tasks," said Deputy Police Chief Patrick Finlon of Lake Zurich. "But when he's involved in a physical task, it's critical."

Tom Collingwood, president of Fitness Intervention Technologies, a Dallas-based firm that develops fitness programs for police agencies and who helped IRMA develop a final report, said that studies show the law-enforcement community to suffer from higher levels of obesity, heart disease and high cholesterol than the general population.

"A lot of police work is sedentary... so, like so many of us, you have to find the time to exercise on your own," he told The Daily Herald. "Sometimes, with shift work, that's not always convenient... It piles up if you're sedentary."

The Illinois Fraternal Order of Police Labor Council has some concerns, according to executive director David Wickster. Among these are whether officers should be paid for training as a work-related activity, and how agencies treat those who do not meet physical standards.

"Unfortunately, in this day of litigation, what seems like a great thing turns complicated," he said.

Bridging the gap

A counterterrorism intelligence gap has been closed with the creation of an information sharing system between the states of New York and Vermont, and federal agencies.

Under a pilot program launched in May by the FBI, more than a dozen government databases will be made accessible

to local law enforcement.

"The new pilot will for the first time bridge the gap to critical terrorism intelligence and foster more knowledgeable decision making and appropriate action by law enforcement," said James Kallstrom, a former top FBI official and now an anti-terrorism adviser to New York Gov. George Pataki.

To get around the problems involving classified materials, staffers with security clearance at a counterterrorism center near Albany will disseminate the information to police.

"Sharing information is obviously an important step," Vermont Gov. James Douglas told The Associated Press. "It sounds so simple, but it's not always been easy and it's an important first step toward ensuring that law enforcement officers get the opportunity to get the information they need to solve crimes and to prevent future acts of terrorism."

Missing link

The city of New Orleans linked its police, fire and other agencies assigned to respond to acts of terrorism to the federal Department of Homeland Security's Joint Regional Information Exchange System.

The system will provide a secure computer chat room where officers can share information with their counterparts around the country. It will also improve "real time" threat information of the "sensitive but unclassified" type, said Brig. Gen. Matthew Brodenck, director of the DHS operations center.

"It will allow me to share [intelligence] all day, any day," he told The Associated Press.

No parking

Despite a shooting death in the parking lot of a local disco, Pine Bluff, Ark., Police Chief Daniel Moses is standing firm on his policy not to allow officers to moonlight at club parking lots.

"It's an ethical deal," Moses told The Arkansas Democrat-Gazette. "How do you have police officers directing drunk people to drive home? You're putting an officer in a bad situation."

Another potential problem is liability, should an officer be injured or become the target of complaints, he noted.

Moses implemented the policy soon after he was appointed chief in 2002. It has not made club owners happy, with some reaching out to local elected officials to see if a compromise could be reached with the chief.

"The nightclub owners are furious about this," said Alderman Dale Dixon. "I know of two killings where, if the police were there, it might not have happened."

In the latest incident, Edwin Cleveland, 23, was found dead in the parking lot of PJ's Disco on May 2. A Wabbaseka man was arrested and charged with murder. Another man, Charles Dobbins, was killed in December.

Before the ban, officers could earn as much as \$25 an hour patrolling the parking lots. But even the police presence did not mean that shootings never occurred. There were two fatalities in 2000 and 2001, and two nonfatal shootings in 2002.

Growth industry

In the 12-month period between July 1, 2002 and June 30, 2003, the nation experienced the largest increase in its prison population in four years, according to the Bureau of Justice Statistics.

During that period, the number of state and federal prisoners grew by 2.9 percent, or by 57,000. As of June 30, 2003, prisons and jails held 2,078,570 men and women. All told, one out of every 140 U.S. residents was incarcerated in either jail or prison during that time.

While local jails operated 6 percent below capacity, according to BJS, state prisons operated between 1 percent and 17 percent above capacity. Federal prisons operated at a rate roughly 33 percent above their capacity.

In all, 10 states reported prison population increases of at least 5 percent, led by Vermont, 12 percent; Minnesota, 9 percent; and Maine, 9 percent. Mississippi's population grew by 6.5 percent, and Arizona's by 5.6 percent. The nation's two largest state prison systems, Texas and California, recorded population increases of 4 percent and 2 percent, respectively.

Rhode Island, Arkansas, Montana, New York and Delaware all saw their prison populations fall, by rates ranging from 1.1 percent to 3.4 percent.

Alien encounters:

Immigration duties beckon Va. troopers

If all goes as planned, the Virginia State Police will train some 30 troopers in immigration enforcement over the coming months after becoming the third state law-enforcement agency since Sept. 11, 2001, to receive such authority from the Department of Homeland Security.

The state agency was still negotiating in May with the federal government for a Memorandum of Understanding.

"We came to realize that if we had the authority to make arrests for undocumented immigrants in some case, it would enable us to resolve some of our traditional criminal investigations, particularly when you talk about drug cases, gang cases and even now dealing with terrorism," said Col. Steven Flaherty, the state police superintendent, in an interview with Law Enforcement News.

In 2002, the Florida Highway Patrol became the first agency in the nation to form a partnership with immigration authorities when it cross-deputized some three dozen troopers. It was followed by the Alabama Department of Public Safety, which took the same step last September.

In addition to Virginia, Colorado and Idaho are considering following suit.

The 30 Alabama troopers authorized to carry out immigration duties have been involved in 106 arrests of illegal immigrants during the six-month period of the agreement. Florida has acknowledged that it

would be unlikely to train any more personnel, however, due to the relative infrequency with which troopers have been called upon to perform in this capacity. [See LEN, February 2004.]

Flaherty said he does not expect the VSP to be involved in too many cases per year. "We don't want to become the state's INS, if you will," he said.

The authorization of troopers is just one way in which Virginia is expanding the powers of state and local police to perform federal immigration duties.

In April, Virginia lawmakers passed a bill, which went into effect July 1, permitting police to arrest and detain immigrants who are back in this country after being convicted of felonies and deported.

The measure's chief sponsor, Delegate David B. Albo, a Fairfax Republican, said that while fighting terrorism was the original intent of his legislation, the law might be more useful in combating gang violence. As it was introduced originally in January, Albo's bill had much broader powers to enforce federal law. The scope was narrowed, he said, on advice from the attorney general's office.

Police will be able to hold suspects for up to 72 hours without bond until federal agents pick them up. It is aimed at those immigrants that have become part of dangerous gangs which have taken root in Virginia, said Carne Cantrell, a spokes-

woman for Attorney General Jerry W. Kilgore.

"These are bad actors," she told The Associated Press. "We're not going after people coming here as illegal immigrants."

The state's northern region, with its large immigrant communities, would potentially see the most enforcement activity under the new law. But, said Dana G. Schrad, executive director of the Virginia Association of Chiefs of Police, the vast majority of undocumented aliens in that area, and throughout the state, are just working people.

"The key illegal immigrants who would be the true focus of this legislation are the ones who are the focus of ICE (Immigration Customs and Enforcement) as well," she told LEN. "The folks that are involved in terrorist activity, or violent gang activity."

It is a well-known fact, Schrad asserted, that immigration could not handle all of the illegal aliens in the U.S. were police to turn over to federal authorities every one they had contact with.

The key procedural difference in the Virginia statute is the authority to hold detainees until federal authorities decide the next step, she said. And before that can even happen, the violation cannot be a misdemeanor and the suspect must have a criminal record.

"There are a couple of hoops the statute

calls for you to jump through before you can use the tool in it to process these folks over to the feds," said Schrad. "I think that's a key thing to remember."

Municipal law enforcement has always had the authority to turn over to immigration any undocumented alien they have stopped who has a violent criminal history. "That's why it's not going to dramatically change anything we do," she told LEN.

Flaherty also believes that a partnership with the Department of Homeland Security will provide just another tool for the agency to in pursuit of traditional investigations, such as drug and gang cases.

Under the agreement being negotiated, 30 to 50 state police officers would undergo the five-week training course. They would be stationed throughout the state, with one attached to each of the 24 drug task forces in Virginia. When carrying out immigration enforcement, the officers would be under the supervision of federal authorities.

"If we have a situation where we see that maybe the level of criminality is going to increase, or the situation is going to become violent, this is another tool in our toolbox," said Flaherty. "Maybe we can interdict before the situation moves to a higher level... Quite frankly, I think we're talking about dealing with cases where people are perpetrating crimes within their own community and their own culture."

It may have taken decades to reach critical mass, but when the budget crisis that had been looming over the city of Pittsburgh since the collapse of its steel industry finally struck within the past year, the consequences for the city's Police Bureau were swift and severe — a hundred or more layoffs, the dissolution of its full-time SWAT team, and a radical reorganization of the agency.

As if that were not enough, the bureau was less than two years removed from the oversight of a 1997 consent decree with the Justice Department, whose objectives and mandates it was determined to continue meeting. Any one of these developments would try the skills of a police leader, but Police Chief Robert W. McNeilly Jr. has always been one to turn challenge into opportunity.

McNeilly, a former Marine who is now an officer in the Coast Guard Reserve, has served his entire 27-year law enforcement career with his hometown agency. Back in 1996, Mayor Tom Murphy was looking for someone to lead a troubled department through perilous waters. A pending civil-rights lawsuit filed by the local chapter of the ACLU eventually led to the five-year agreement between the Justice Department and the city.

With a reputation as a firm but fair disciplinarian, McNeilly set to work transforming his department. Many of the initiatives he had planned at the time of his appointment were incorporated into the consent decree. With the backing of the Justice Department, he was able to make significant improvements to the police bureau within the first two years of the agreement. McNeilly quickly recognized how the agreement could be a boon to his department, rather than a millstone. Federal support was used to achieve a dramatic overhaul of the PPB's technology. The jewel in the crown is the department's vaunted Performance Assessment and Review System, or PARS.

A pioneering early-warning system designed to help supervisors identify troubled officers (and exceptional ones), PARS is widely seen as a model of its kind by academics and practitioners around the country. When it looked like there was no system that could do the type of extensive tracking that the Justice Department required, the agency set to work creating its own. PARS is used daily by supervisors and continues to expand as new databases are added.

McNeilly's wife, Catherine, is also a veteran PPB officer. It was Catherine McNeilly, a commander in charge of the agency's research and development division, whose leadership the chief credited for the success of PARS.

The latest challenge for McNeilly will be steering the department through dire fiscal straits. A financial recovery plan passed by the City Council in June under Act 47, a state law aimed at helping distressed municipalities, will require \$33 million in spending cuts next year and impose \$41 million in new taxes. As the city's largest single work force, police are expected to bear the brunt of the plan, which will subject officers to fitness standards, civilianize 38 administrative jobs and eliminate the master police officer position.

McNeilly was the recipient of the Police Executive Research Forum's National Leadership Award in 2003. He graduated from Duquesne University with a bachelor's degree in psychology, and is working toward a master's in public policy management from the University of Pittsburgh. A former award-winning power lifter, McNeilly also holds belts in four martial arts disciplines.

The LEN interview

Robert W. McNeilly Jr. Police Chief of the Pittsburgh Police Bureau

Law Enforcement News interview
by Jennifer Nislow

LAW ENFORCEMENT NEWS: In recent years, the city of Pittsburgh has been in the grip of severe budget constraints. How is the situation affecting the Police Bureau? Do you have any idea of how bad things can get at this point, or how long the situation might last?

McNEILLY: No, I don't know, because there are a couple of different groups looking at the city's finances right now. We have the Oversight Board that is reviewing all of the finances. And we also have people from Act 47 who are reviewing all the finances, and I guess they will be making recommendations within the next coming months.

LEN: Are things as bad as you've ever seen them?

McNEILLY: I'd say so, yes. It's been coming for the last 40 years or so, ever since the steel mills closed and a lot of the railroads left the city. I think it's something that's we've been heading towards for many decades.

LEN: Yours is one of the few departments that have had to take the radical step of actually laying off officers. There is always that threat, that expectation, but you actually had to do it. What steps had the city taken up to this point to avoid layoffs?

McNEILLY: You have to back up, say, to when Mayor Murphy was elected in 1993; they weren't going to make payroll that year. They were a lot of individual measures they took, like that year they sold the Water Department to the Water and Sewer Authority. That was the only way they were able to raise enough money to tide the city over for many years. Along the way they've done many other one-stop half-measures that were intended to get the city through another year — except they're at the point now where they've just about run out of things to do. We finally had a mayor who had the courage to know that we needed to change the tax base — not that the others didn't; the other mayors may have too, but Mayor Murphy felt that we were at a time where it was necessary to insist that the tax laws be changed.

There have been about four or five various studies done — I don't even remember the names of all of them — but they all said the same thing: the tax structure had to be changed. We're not the same city we were 50 or 60 years ago.

LEN: The bureau mounted a big recruitment effort a few years ago, when it was very difficult to get people to join law enforcement. Is that recruitment effort still ongoing in the face of these layoffs and budget cuts?

McNEILLY: What do you mean by "big recruitment effort"?

LEN: The PPB was among many other departments that were working hard to bring more people into the ranks — amid talk that the pool of

applicants had dried up....

McNEILLY: Let me say this: We have always worked hard to try to get more women and minority applicants. We've never had difficulty in trying to get applicants, period. We've always had an abundance, many more than we needed. In fact we've got hundreds of people sitting on the list right now who could have been hired. Any time we give a test, we always have many more candidates apply than we have positions for, in contrast with what many other municipalities see. Some places in New York, they used to get thousands, now they get maybe hundreds.

I wouldn't say that's true all over the country, because there are many places that still don't have a problem attracting people. If we gave a test tomorrow, I'm sure we would come up with hundreds of candidates. We did have people working to recruit for the last test, but that's just normal; we were

"There's always community concern with everything we do. We're in the business of community policing. The community is part of the equation."

mosdy trying to draw more women and minority candidates, because we don't seem to have a problem recruiting white males.

LEN: Does the fact that the City of Pittsburgh is having dire budgetary problems impact your efforts to draw minorities and women onto the force?

McNEILLY: Look, if you've got people laid off, you gotta take back the people you had before you add new ones. I don't know what the makeup is of the people who were laid off. I'm sure there were some women and some minorities. The last hired were the ones that were furloughed, and those are the ones that are being called back. Right now, out of the 102 that we had laid off, only 14 are yet to be called back. And probably some of them will be coming back within the next couple of months.

Extreme Makeover

LEN: There was a recent reorganization of the city's police districts. What prompted this, and how has it been working out?

McNEILLY: When you look at the city of Pittsburgh and you compare us with other cities of our population, or even larger populations, we had six patrol districts. There are some that have as few as three, four or five patrol districts. Back in 1986 they were going to go to five patrol districts, and there was such a public outcry that they decided to go to six instead. You have to remember, 10 years ago we had a little more than 1,300 officers; now we've got 900. You have to look at what you're doing, how you're conducting business, and make a determination of what's the most effective way of doing it.

Pittsburgh is small geographic-wise, about 55 square miles. If you look at other cities,



like Cincinnati, which has similar type population and similar type of terrain, they have 76 square miles and they have five patrol zones. We had six. We're only two-thirds of the size, geographically, of the City of Cincinnati. It's not just Cincinnati, there are many other cities that are similar. I had a whole list of cities that had anywhere from 70 square miles to 600 square miles, with the same population as Pittsburgh, and roughly about the same size department, and they only had five districts. It's not a matter of how many districts you have. It's a matter of the number of police officers you have per thousand of population. So it ranks in the middle, I would say, maybe the high middle.

LEN: When you did this reorganization, was there any kind of community concern about what it would mean on a practical level? And if so, how did you deal with that?

McNEILLY: Of course there was community concern. There's always community concern with everything we do. We're in the business of community policing. The community is part of the equation. When we look at making safe streets, the police play a part and the community plays a part.

You have to remember I came back from military service on July 26 of last year. And a week or two ago I was told that we were going to have 100 fewer officers than I had when I came back, and we were already 100 below what we had two years before. There wasn't much time to make decisions on how to make sure things worked. It would be nice to think that we had time to consult with every single person in the community who wanted to add something to what we needed to do. But I think we look at people who are in budget departments to be able to do the

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Interview: Chief Robert McNeilly

Continued from Page 9

budgeting, and we look at people in fire bureaus to determine how to fight fires. We need to look at managers in a police agency to determine the best way to provide police services.

We did consult with many members of the command staff, and we had to make decisions very quickly because you have to keep in mind that it wasn't just laying off 102 police officers. If we had done that just from patrol, we would have lost five or six officers per shift, from each of the duty locations. That would significantly impact the amount of time somebody had to wait when they called 911, and also have a significant impact on patrols that were on the street. But we had made a determination as to what our core services were. We had to be able to provide those and cut areas where we could.

If you look at the number of people that it took to staff one patrol district, you need 23 people in that district before you ever get one person in the street. You need a commander, you need four lieutenants, you need nine sergeants, you need five desk officers, you need a crime analyst, you need a crime-

called on the county when we needed a SWAT team. The county provided it free of cost. It is now called the Special Emergency Response Team, and they are in various phases of training for different types of calls. They have received some training, and they'll be receiving more. There'll be more discussions with the FOP to see how we can make our time work more efficiently.

LEN: What's it like now that the bureau is in the "post-consent decree" era? Did the agency meet the goals and the objectives that had been set under the decree?

McNEILLY: Let me say that not only did we meet all the goals and objectives of the consent decree, we set our standards a little higher than what was required of us. If you read the quarterly reports from the auditor, you'll see that he said that. We did much more than we were required to do under the consent decree. We stated that we would continue our operations, even though we were not under consent decree, as we did before while we were under consent decree. And we have continued to do that.

LEN: As you see it, what is there about PARS that makes it adaptable for other agencies around the country?

McNEILLY: Well, you can take any one of our components. For example, there's a police foundation that's marketing a system called RAMS; I'm not quite sure what that acronym stands for, but I know they use four different fields. They track use of force, sick days, and I think vehicle pursuits or accidents, one or the other. I don't remember what the fourth one was. But we track all of those. And actually, I think our system does it better because they designate — I'm not quite sure how to say it — they choose the number they think they want to have the officer highlight. For example, with use of force, two uses of force in a month might highlight the officer in yellow, whereas four would highlight red. I'm just giving those numbers — I don't know if that's exactly what it said.

What our system does is it tracks each use of force, and then makes comparisons with the officer's peers, the officer who's working that shift at that duty location. If it's one

LEN: Is that unique, do you think, in terms of how other departments use these types of systems?

McNEILLY: I don't know what other departments do. I would imagine they do something similar if they have a system that can provide the information. There are some departments that have some very good systems: the L.A. sheriff, the Phoenix police, they all have good systems.

The Cost of Vigilance

LEN: In light of the city's financial woes — and this is something that other departments have had some trouble with as well — how has your department managed to meet the demands of orange alerts and other Homeland Security concerns?

McNEILLY: Well, a lot of it is diligence. I believe that our officers are aware of the situation our country finds itself in today. I don't think it's any surprise that across the country that there has been increased vigilance, not only by the police, but by the communities. There are things that would be helpful, if we had additional funds to be able to purchase additional equipment needed. I think for the most part, though, not only our agency, but agencies across the United States have been working hard to try to provide for public safety.

LEN: When the country goes to a heightened alert status, what does that mean for your department, and what are some of the financial considerations involved?

McNEILLY: Well, without going into any detail, there are some things that we do, like increased security checks and surveillance of additional locations. There could be more expenses, but I don't think it serves us well to be able to discuss them publicly.

LEN: Are there any systemic changes you feel are necessary for law enforcement agencies to continue meeting the demands of homeland security?

McNEILLY: I think it's important to keep in mind — I was just at a Police Executive Research Forum meeting recently, and it was pointed out that probably the most effective way of fighting terrorism is through community policing, keeping those bonds and that interaction with the community. Community policing is important in fighting crime; it's important in fighting terrorism. So I think in many respects our efforts to fight crime also fight terrorism. Remember, a lot of terrorists finance themselves through criminal enterprise. And I think intelligence information, crime information, is probably one of the major steps you need to undertake to assist local law enforcement in fighting terrorism.

LEN: What can the federal government do to make things better for municipal chiefs who are trying to meet these homeland security demands?

McNEILLY: There are many things, although I don't want to get involved in all the politics surrounding the issue of terrorism today. But like I said before, I think there's a lot of similarity between fighting terrorism and fighting crime. Anything that will help us fight crime also helps in the battle against terrorism. I think information is probably the biggest thing. I saw Chicago's computer system on how they track criminal information, and I think their system is

"When we were required to build an early warning system under the consent decree, there was no system that could do what was being required of us. So we went on to build our own."

prevention officer, you need a couple of clerks. That's a lot of people that aren't actively involved in policing on the street. There were some demotions. There were some reassignments from investigations because we downsized everything: from 15 commanders to 12, and I think six fewer lieutenants and 14 or 16 fewer sergeants. When you don't have 1,300 officers, you don't need as many supervisors. When you have 900, you need fewer supervisors. So we looked at the best way to provide police services with what we had, and we had to downsize a number of personnel, a number of ranks, a number of police stations. And we had to determine the best way to provide those police services with the resources we were left with.

LEN: And how has this worked out?

McNEILLY: Well, we're still providing police services

LEN: The bureau reportedly disbanded its SWAT team. What has taken its place?

McNEILLY: I wouldn't say it was disbanded. But we did have a full-time SWAT team, and if you looked at any other city this size, you'd be hard pressed to find any that have a full-time SWAT team. What we looked at doing was making a part-time SWAT team. As it was, we had lost many officers through early retirement because of the change in the contract; the officers were often taking advantage of health care benefits that would be fully paid for the rest of their lives if they retired before the end of last year. You had a lot of retirements. We could not afford to have a full-time SWAT unit any longer; it needed to be part-time. And we'd been in negotiations with the FOP to determine how we can do it efficiently, timewise and costwise. In the meantime, we

LEN: So you have continued to meet those mandates now that it's lifted.

McNEILLY: That's right

PARS for the Course

LEN: The city's Performance Assessment and Review System was a pioneering early-warning system for police employees. Specifically, how has PARS changed the agency?

McNEILLY: I think significantly. You said the word 'pioneer,' and I believe we did because when we were required to build an early warning system under the consent decree, we looked around the country, and there was no system that could do what was being required of us in the decree. So we went on to build our own, and did everything that was required by our consent decree; in fact we did more. We tracked things that we weren't required to track, like vehicle accidents and sick days and some other issues. And we use that system on a regular basis. Our supervisors use it daily; they make quarterly reports to their training officer, and the officer, from those reports, gives a presentation to the Command Staff on a quarterly basis. This presentation has been viewed by dozens — scores — of other major police departments in this country, and we've even had the police department of Northern Ireland here to look at how we did things.

LEN: Has the system been modified over the years? How?

McNEILLY: It's ongoing; we're looking to improve it constantly. In fact, within the last year we were able to add secondary employment, since a number of our officers work off-duty details. We're also looking to include a vehicle pursuits system. We're constantly looking at what we can do to improve it.

standard deviation above, it's highlighted in yellow, and two deviations above it's highlighted in red. I think we have a better system of looking at the officers instead of just putting a number in there. The computer does more for us by doing the calculations.

Computers and Clearances

LEN: Your sex crimes unit has one of the highest clearance rates in the country at this point, better than 80 percent. How did you achieve this, particularly in light of trouble that other departments have seemed to have with these types of cases?

McNEILLY: Well, there are fluctuations yearly of clearance rates, just as there are with crime rates. I believe our people have been doing a good job, and I think our computer system is the reason why we are having high clearance rates. And the reason why I say that is when we look for people to put, say, in narcotics, we go out and see who's doing the searches, who are conducting searches, who have a higher number of searches, and we already know from our reports that we get at the quarterly meetings of our Command Staff that officers doing the most searches are already doing them thoroughly and legally. So if we're looking for officers for Narcotics, we know how to find them; the computer system tells us that. Right now, we're going to move about three more into traffic; we're using the computer system to determine who makes the largest number of traffic stops. If you find the right people for the right positions, let them do their jobs and just supervise them, you'll have good results.

LEN: So it's more than just a case of looking for potential problem officers — you actually use it as a consideration in assignments as well...

McNEILLY: I should say we do that 90 percent of the time.

"If the Federal government were able to help municipalities finance computer systems to track crime and provide information for police officers, that would probably be extremely helpful in the fight against terrorism."

undoubtedly one of the major reasons why Chicago has continued to see a decrease in the crime rate in the last couple of years, while across the nation many other municipalities have seen an increase. If the Federal government were able to help municipalities finance computer systems to track crime and provide information for police officers, that would probably be extremely helpful in the fight against terrorism.

Whither Community Policing?

LEN: With cuts being made to the Justice Department's COPS office, where do you see the future of community policing going? Do you think it's so embedded in law enforcement at this point that it will just continue to grow?

McNEILLY: I guess that's not a certainty. There was discussion of that at the PERF meeting. It's not just me that believes that community policing is the key to fighting terrorism; it's many chiefs of police.

LEN: Is that point getting across to your federal counterparts?

McNEILLY: I've talked to some of the people in the Department of Homeland Security, and I think they may have a beginning of an understanding. That's what's important. If you think about some of the errors we've experienced like in Oklahoma City — that was solved by local law enforcement through a traffic stop. Part of our anti-terrorist activity has either been preventive, or apprehensions being made by local law enforcement. There's a lot more local law enforcement out there than there are federal agents, so you need that connection with Homeland Security.

LEN: Do you think that the Office of Homeland Security has been responsive to this so far?

McNEILLY: Well, I don't want to answer for [PERF executive director] Chuck Wexler or [president] Bill Bratton. I'm sure they would know just how those discussions are going. But let's just say that we're hopeful.

LEN: Given Pittsburgh's proximity to three other states, what has been the level of interstate and interagency cooperation? As important, how do you improve on the current state of affairs?

McNEILLY: Well, let me say that I think we do lead the nation in one respect, even before 9/11, we had been working on our regional response capability to various types of threats, including weapons of mass destruction. It's referred to as Region 13 — that's the 13 counties in southwestern Pennsylvania. There are regular meetings. We know the resources that are available to us from the various agencies — there's 13 kinds. We have done joint training in the past. I think we're probably ahead of the curve as far as regionalizing response to major incidents.

LEN: And this was in place before 9/11? Did regional efforts grow from there?

McNEILLY: We were moving in that direction, and I think that did improve things.

LEN: Since 9/11, you've been called to active reserve duty twice. What has that meant to you, and

to the bureau?

McNEILLY: At any one time I think we may have 2 percent of our officers called to military duty, so it's not a significant number for an agency of our size. We have people coming and going all the time, some returning, some being called up. I was called up twice: the first time for three and a half months, the second time for four and a half. I was fortunate in that, due to my job qualifications in the Coast Guard, I was able to stay in the area here. I was able to have regular contact with the deputy chief who was acting as Chief in my absence. I was able to keep informed of what was occurring in the Police Bureau, putting me a position to take over immediately upon my return.

LEN: What kind of nationwide impact do you think the loss of police to active military duty is having on local police departments?

McNEILLY: Well, like I said, all I can answer for is our department, and the percentage of our officers at any one time on military duty. We have more people than that who are on vacation at any one time and are off sick. I don't think that impacts our operations in a great way. But I can't answer for any other department; I just don't know.

Follow the Leader

LEN: You recently won the PERF National Leadership Award. Is there an ongoing relationship between the Pittsburgh Police Bureau and PERF, perhaps to the extent where the organization uses your department as pilot test site?

McNEILLY: I do work with PERF. We send people to the Senior Management Institute for Police yearly. We have a commander slated to attend this year's session. We have regular contact with people in PERF. So we have been involved in some of the ongoing studies they've offered, and

give help in even more.

LEN: Would you like to get the department more involved in that type of research?

McNEILLY: I think it's important. PERF is on the cutting edge of research that's necessary to determine best practices in law enforcement, where law enforcement needs to be going in the future. They have been proponents of problem-oriented policing, community policing. They've done studies in several areas that have been important to our understanding those practices.

LEN: Has the Pittsburgh Police Bureau been involved in a PERF study recently?

McNEILLY: In fact, I'm involved in one now. Actually it's two subjects, use of force, and mass demonstrations.

LEN: What are these studies looking for?

McNEILLY: They're looking for best practices. They had people there from Israel, from the United Kingdom, from many major cities in the United States and Canada. Each one of those places presents wide differences when you're talking about mass demonstrations and use of force. What they deal with in Israel is a lot different than what they deal with in the United Kingdom, in Northern Ireland, and what we may do in Pittsburgh. But they're looking for best practices, or at least guidelines for departments, in order to help develop policies.

For example, one of the subjects we talked about was fleeing vehicles. Many departments prohibit firing at fleeing vehicles. It was mentioned that in Boston, when Paul Evans was commissioner there, he prohibited officers from shooting at moving vehicles, and his union voted no-confidence in him. That's part of the problem now when you have a chief

executive who develops a policy which is parallel to that of many other city departments, but the union strongly opposes it.

LEN: What do you do in cases like that?

McNEILLY: Well, that's why we're meeting

LEN: The Pittsburgh area is home to a number of top universities. Is there ongoing interaction between the police bureau and academia?

McNEILLY: Over the last several years we had several projects we worked on with the Carnegie-Mellon University.

LEN: Could you give me an example?

McNEILLY: One was studying our Manchester section, on the North Side. They were looking at extra patrols and what kind of impact we had with special patrols looking for firearms activity, and how that would impact on the crime rate in the Manchester section of our city.

LEN: What is currently the department's most pressing problem? I have budget problems pretty much edged out some other concerns for the time being?

McNEILLY: The most pressing is the budget. When I was asked a year ago, when I returned from military duty, what was the biggest issue facing us, I said then that it was budget. I learned very early on as chief that without money there's very little you can do. The money situation is first, before you can take care of other business. Hopefully the city can stabilize its five-year plan on the budget, and thereby be in a better position on other areas also.

LEN: As you made your way through the ranks, what was your most challenging assignment?

McNEILLY: No question — chief of police. Every day you're making difficult decisions and dealing with the consequences of those decisions. Nothing else is even close.

LEN: A lot of people would say sergeant...

McNEILLY: I probably would have said that second, because that was my first supervisory assignment. I had to learn how to be a supervisor. But even that pales by comparison with what I've had to contend with as chief. It's a whole different world.

LEN: Do you think that the Pittsburgh Police Bureau is a better agency today than it was when you took command? And if so, how?

McNEILLY: I would like to think so. I think the Department of Justice would say we are. That gives me some credibility when I say that. Just look at what we've done. Before I was chief, there were 344 police people involved in accidents. Last year, there were 120-something. We've looked at everything we needed to look at, management-wise. We're doing more training; we're having less accidents, less citizen complaints filed. I think the officers would tell you that we're much more accountable for all of our actions. They might talk about that with displeasure, but I think that's widely recognized. I think accountability is good. I think our community expects that, and demands it.



Chief McNeilly relaxes at home with his wife, Pittsburgh Police Commander Catherine McNeilly.

Learning experience:

Powerful, enlightening truths in "Kill Zone"

Into the Kill Zone: A Cop's Eye View of Deadly Force.

By David Klinger.

San Francisco: Jossey-Bass, 2004.

304 pp., \$24.95.

By Daryl F. Gates

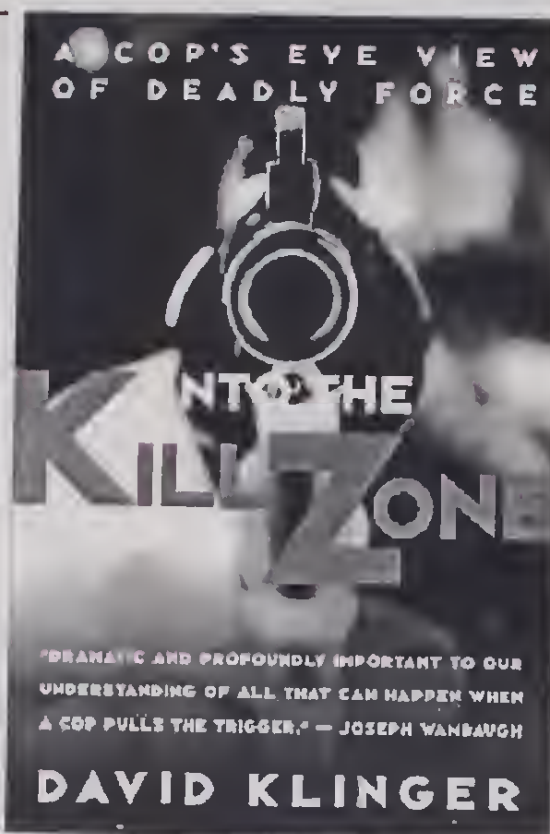
No other person, police executive or otherwise, has had more experience with police shootings than I. Dating back to the early 60's, I have been involved in either the investigation or the review of LAPD officer-involved shootings. I even go back to the time when a young lawyer by the name of Johnny Cochran first came to the public's attention. Johnny represented the Deadwyler family in what was at the time a very controversial police shooting, sensationalized by the electronic and print media. It was the first time that a coroner's inquest was televised. Johnny lost the case, because of the very detailed police investigation, which was honest and forthright in assessing the facts regarding the shooting. It turned out to be an accidental shooting, precipitated in large part by the erratic actions of Deadwyler. I played a significant role in the investigation of that shooting.

From 1968 to 1992 I reviewed every Los Angeles police shooting and/or major use of force. Whenever a Los Angeles police officer discharged his firearm a detailed investigation is conducted. I reviewed them all for over 24 years.

I cite the above to give credence to my comments regarding David Klinger's new

book "Into the Kill Zone: A Cop's Eye View of Deadly Force." It is a fascinating account of numerous officer-involved shootings. But the real meat of the book lies in the candid interviews of scores of police officers who were the principals in those shootings. It begins with Klinger's account of a shooting in which he was involved as a young Los Angeles police officer, taking the life of a man who was trying to kill his partner. He writes, "Edward Randolph was 26 when I killed him. I was 23. I first laid eyes on him less than a minute before I shot him, so I didn't know his name, how old he was, or anything else about him before I ended his life." This piercingly painful, gritty account of his own experience in a life-or-death situation has given him a special insight and a credibility not found among others who may write on this subject.

The book reads like a novel. It is almost impossible to put down. It was a learning



experience for me even with my many years of investigating and reviewing police shootings. Not only does Klinger bring out "just the facts" of each shooting, he goes into the backgrounds of those who were involved. What motivated them to become police officers. How, prior to entering law enforcement, they morally viewed the possibility that they may have to take some

human's life in the line of duty. How they were trained, both in the academy and on the streets, to deal with violent situations and how to prepare themselves mentally to kill. He presents stories from officers about situations wherein they could have shot, but did not. Some exceptionally harrowing split-second decisions turned out to be right, but just as easily could have been tragically wrong.

As I read the accounts of the many shootings in "Kill Zone," it was as if I were in a time warp. I had investigated or reviewed so many like situations in past years. Officer's reactions before, during and after these violent incidents can be, and often are, completely different, yet underneath there is a sameness that cannot help but strike the reader with an incredible impact. Clearly, one cannot finish this book without knowing that police officers are indeed human beings who can experience a plethora of emotions over seriously injuring or killing another human being. There is a quality of reverence for human life that runs through "Kill Zone," but survival takes center stage.

"Kill Zone" is a must read for every police officer. It is even more so for police executives. In fact, any one who needs enlightenment regarding police shootings can benefit immeasurably from this book, particularly those in the media. Television could do a dramatic attention-getting series without the need for a single fictional story idea. The truth is far more powerful, and it is all there in "Kill Zone."

(Daryl F. Gates retired in 1992 as police chief of the Los Angeles Police Department, a post he held for 14 years.)

Got a revolution:

How Compstat changed the landscape

The Compstat Paradigm: Management Accountability in Policing, Business and the Private Sector.

By Vincent E. Henry

Flushing, N.Y.: Looseleaf Law Publications, 2002.

354 pp., \$34.95.

By Chet Epperson

No other program in law enforcement has had as profound an effect on how the police do their job and how they are held accountable for their performance as Compstat, the New York City Police Department's revolutionary crime-fighting system. Vincent Henry, a retired NYPD sergeant with a Ph.D. in criminal justice, does a fine job in his book "The Compstat Paradigm," exploring the roots and origins of Compstat, its effect on the New York City Police Department, and its residual impact on other police agencies nationwide.

This reviewer has read similar texts concerning Compstat: William Bratton's "Turnaround: How America's Top Cop Reversed the Crime Epidemic," and Jack Maple's "The Crime Fighter: Putting The

Bad Guys Out of Business." Both texts are well written and effectively address major issues in policing, but Henry's text serves as the starting point, the brick and mortar for the creation of a process that has dramatically changed the way police function.

At the start, the way does a nice job of setting the stage for the need for Compstat. Henry details the concepts of police management theory, the legacy of the police professional model, and the history of community policing. All of these areas give rise to the need for the Compstat process in the NYPD, and in turn propel the implementation of this phenomenon in other police agencies and the private sector.

One of the book's strongest points is Henry's repeated reference to how Compstat can generate positive change within a police

agency. Implementation of Compstat in any police department will most likely be a positive process and will ultimately reflect on an agency's ability to deliver effective service to its community. Compstat will dramatically alter the organizational structure and culture of an agency, as Henry documents with regard to the New York City Police Department.

"The Compstat Paradigm" covers valuable police administrative aspects for any agency — organizational diagnosis, reengineering, and crime control strategies. Implementing Compstat within your police agency will force new change upon the organization in terms of how you conduct business and how your personnel cope with the change. Compstat offers some positive aspects for personnel — implementing this in the NYPD allowed for quality circles and focus groups of officers. Besides Compstat, personnel met and discussed fundamental issues relating to important aspects of the department. "Non-bosses" were included in the quality circles, which allowed for "buy-in" on key issues from the entire department.

In a helpful addition, the author includes a recommended reading list and questions for debate and discussion at the conclusion of each chapter. The recommended reading

is an excellent reference area to continue one's knowledge through similar texts and professional journals that further expand on the Compstat principles. The list will certainly whet one's appetite for professional enhancement. The discussion area is well done and offers readers the chance to challenge their intellectual thought process and initiate further discussion if the text is used in professional or academic circles.

I strongly recommend "The Compstat Paradigm," which presents challenging concepts for review and possible implementation in one's organization. The book offers professional enrichment for the individual reader and is an excellent resource for the academic arena.

(Chet Epperson is the Administrative Deputy Chief of the Rockford, Ill., Police Department. He is a 21-year veteran with policing with B.S. and M.B.A. degrees from Rockford College. He may be reached at work, at (815) 987-5810, or by e-mail, at chet.epperson@ci.rockford.il.us.)

FREE BOOKS

LEN is looking for readers who'd like to review new book releases. For more information, contact the editor, pdodenhoff@jjay.cuny.edu.

Langan:

The chronology of a gun

By Mark T. Langan

The shooting death of Omaha Police Sgt. Jason Pratt highlights a frequently asked question in the Omaha community, as police officers, community leaders and the average citizen all ponder, "How do criminals get their guns?"

A recent investigation conducted by the Omaha Police Department shows how a .357 handgun traveled among six people during four short months, including armed drug dealers, law-abiding citizens, and hard-core gang members.

This story deals with just one gun. Sadly, though, it applies to most firearms encountered on the streets every day.

These events took place in 2003. The names of the suspects have been changed. The re-creations of these events are based on interviews with these persons, their family members, as well as informants used in the investigation:

Randy, 19 years old

Randy began selling and using drugs when he was 18 years old. He was not very popular, and drugs were a way for him to be accepted by a certain crowd in high school. Drug use quickly escalated to selling marijuana, LSD, and Ecstasy.

His parents suspected that he was involved in drugs but, as is sadly all too common, they took no proactive steps to help their son.

Soon, he was selling pounds of methamphetamine while handling thousands of

dollars at a time.

Randy's mental instability manifested itself in a way that is common for many drugs users and dealers — he began showing signs of an obsessive-compulsive behavior (For many criminals, drugs and casino gambling are compulsions that they deteriorate to.)

For Randy, his obsession became guns and sex. He found popularity with the girls, at least those who wanted drugs. Randy found that he was both feared and idolized by many younger kids. He frequently had firearms, from assault rifles and pistol-grip shotguns to handguns. He had no problems buying these guns on the street.

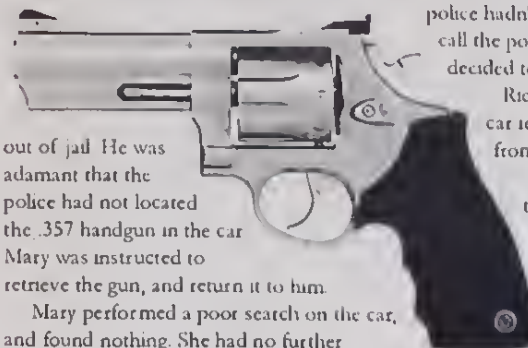
Randy enjoyed the title of "Father," and was known to threaten kids who owed him money or who were disloyal to him. He employed runners to sell drugs for him.

In the summer of 2002 Randy forged a relationship with a rap singer who had close ties to Omaha gang members. Through this individual Randy was able to obtain almost any type of firearm he desired, and he did. Randy bought semiautomatic assault handguns, assault rifles and a .357 blue steel handgun.

Shortly after Randy bought the .357, he accidentally shot himself. He had been high on drugs, showing off to younger kids. He was treated at a hospital, and was uncooperative with officers.

In August 2002, Randy was arrested in a smaller jurisdiction near Omaha. He was in a car that had been borrowed from Mary, a female he frequently sold drugs to. When apprehended, Randy was in possession of a large amount of methamphetamine. The officers searched the car, and no additional evidence was found. Randy was booked for a felony drug charge, and bonded out quickly.

Randy contacted Mary as soon as he was



out of jail. He was adamant that the police had not located the .357 handgun in the car. Mary was instructed to retrieve the gun, and return it to him.

Mary performed a poor search on the car, and found nothing. She had no further contact with Randy.

Rich, 50 years old

Rich is Mary's father. He has had little if any contact with law enforcement in his entire life, and has held a steady job for many years.

After Randy was arrested, Rich went to the tow lot and retrieved his car, which his daughter Mary had loaned out.

Rich later advised that when he opened the trunk he found a box of .357 shells and a holster. He said he thought it strange that the

police hadn't seized these. But rather than call the police with this evidence, Rich decided to keep them.

Rich punished Mary for loaning the car to Randy by taking the car away from her.

A month later Rich was startled to discover a handgun on the floorboard of his car. This was the .357 handgun that Randy had originally hidden in the car. Apparently it had been wedged under the driver's seat, and was not noticed by

the officers who searched pursuant to Randy's arrest.

Rich lied extensively when first questioned by law enforcement. He at first suggested that after he found the gun he had thrown it in a river.

When confronted with prosecution Rich confessed that he had lied. He then admitted that when he had first found the gun his inclination was to call the police. However, the power of greed and money was too

Continued on Page 14

Fridell:

A thankless task for Northeastern researchers

By Lorie Fridell

In the commentary "Measuring Racial Profiling by Police" (LEN, June 2004), RAND Corporation researchers Jack Riley and Greg Ridgeway criticize a recent analysis of traffic stops in 366 Massachusetts police departments conducted by a team of researchers from Northeastern University headed by Dr. Amy Farrell and Jack

McDevitt. As the author of "By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops," published by the Police Executive Research Forum, I have reviewed dozens of studies and given considerable thought to the challenges associated with analyzing vehicle stop data. I submit that the RAND critique of the Northeastern research mischaracterizes the conclusions of the study and fails to recognize both the challenges associated with analyzing data from multiple jurisdictions and the value of the Northeastern model.

At the outset of their critique, the RAND group alleges that the Northeastern University study "concluded that most police departments in Massachusetts racially profile minority drivers." The commentators did not think that the methods employed could support such a strong finding. In fact, the researchers in Massachusetts were extremely careful not to describe their findings as indicative of racial profiling. On Page 2 of

Continued on Page 14

(Lorie Fridell, Ph.D., is director of research for the Police Executive Research Forum. The report "By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops" is available from PERF's Web site, www.policeforum.org.)

Note to Readers:

The opinions expressed on the Forum page are those of the contributing writer or cartoonist, or of the original source newspaper, and do not represent an official position of Law Enforcement News.

Readers are invited to voice their opinions on topical issues, in the form of letters or full-length commentaries. Please send all materials to the editor.

OTHER VOICES

A roundup of editorial views from the nation's newspapers.

Strange Inertia: If Lawmakers Fail to Act, Assault Weapons Customers Can Start Lining Up

Time is running out on the current session of Congress. Lawmakers leaving on their mid-summer break are not expected back until well after Sept. 13, when the 10-year-old ban on assault weapons is due to expire. If that happens, in many states customers as young as 18 (some say 13) could buy brand-new semiautomatic weapons...and carry them concealed into taverns and stadiums, colleges, even public schools. That's because combined with the so-called "gun-show loophole" and other shortcomings in the nation's gun laws, purchases of this lethal weaponry require no background checks or questions asked. In this jittery, post-9/11 world, the very real prospect of would-be terrorists or their agents buying assault weapons at gun shows, through mail order or the Internet, only adds to the urgency of keeping the ban in place.

— The (Syracuse, N.Y.) Post-Standard, July 13, 2004

Choosing Sides: Will Lawmakers Stand with NRA against Assault Weapons Ban?

President Bush and Congress continue to twiddle their thumbs — and point their fingers at each other — as a 10-year-old ban on military-style assault weapons nears expiration. This clownish spectacle is about to run its course. Congress has less than two working weeks left before the ban expires on Sept. 13. Law-enforcement agencies nationwide continue to support the ban. If law-enforcement officers are worried about more assault

weapons arriving on our streets, why aren't President Bush and Southwest Florida's representatives in Congress? Do the desires of the NRA outweigh the accumulated wisdom of the men and women who risk their lives fighting crime?

— The Sarasota (Fla.) Herald-Tribune, July 22, 2004

Extend the Ban: Bush Should Back Up his Words with Action on Assault Weapons

Congress, which returns from its recess Sept. 7, shows little inclination to renew the assault-weapons ban, which expires Sept. 13, unless President Bush persuades the GOP leadership that he means what he says. Bush is on record as supporting the ban's renewal, but House Majority Leader Tom DeLay says his fellow Texan, the president, never asked him to push for renewal in the House. DeLay says there are not enough votes there, anyway, to renew the ban. One might think the president has little influence with the House GOP. The charade is obvious, but that doesn't mean everybody in Congress should play along. Instead, lawmakers should heed Sen. John Warner, R-Va., who earlier this year said: "Although I voted against the ban a decade ago, over the past 10 years it has reduced crime dramatically and has made our streets safer. The legislation also has protected the rights of gun owners better than many of us predicted." Clearly, the assault-weapons ban should be renewed. Doing so would not be an attempt to pry guns from the cold, dead hands of law-abiding owners; it would be an attempt to keep those hands warm and alive, along with those of all Americans.

— The Columbus (Ohio) Dispatch, July 26, 2004

Following the trail of an illegal handgun

Continued from Page 13

much. Rich decided instead to advertise this gun for sale where he worked.

This is where John becomes involved

John, 53 years old

John is a lifelong criminal, with convictions for robbery and selling methamphetamine. He lives in Omaha with his girlfriend. He works with Rich, and sees him almost every day. They are not friends outside of the workplace.

When John heard that Rich had a .357 handgun for sale he jumped at the opportunity. The fact that he was a twice-convicted felon meant nothing to either man when considering that a gun was available. For Rich, the idea of a quick buck was too tempting.

Rich went to John's house and sold the .357 revolver for cash. This was the last contact that Rich had with the gun.

Over a year later John was approached by law enforcement. He initially lied, and said he knew nothing about buying a gun from Rich. As with Rich, John changed his mind when the thought of prosecution was discussed. He quickly retained a lawyer, and submitted to an interview.

John admitted to buying the gun from

Rich, even though he was a twice-convicted felon. He immediately resold the gun to a former roommate, and that's the last John saw of the weapon.

Now, Rachel becomes a player in this investigation.

Rachel, age 40

It's hard for the average citizen to believe that a 40-year old woman could be a hardcore gang member, with tattoos up and down both of her arms. But Rachel was indeed a criminal, who associated with nothing but other criminals. She devoted herself to a certain violent gang that is prevalent on the streets of Omaha.

In the fall of 2002 she moved into John's basement. Shortly she became aware that he had a .357 Taurus handgun for sale, and she eagerly bought it.

When the police approached her, she also lied, just as Rich and John had done. It's not at all unusual for people to lie to the police. Officers practically expect it, whether questioning gang members, drug dealers, or fathers of girls who associate with bad boys. Lying is simply an obstacle that officers must overcome.

But when the great weight of the legal system was too much for even her street-

hardened shoulders to bear, Rachel cracked. She admitted to buying the gun from John. However, the trail of the elusive .357 handgun was growing colder.

The unknown customer

Rachel was nervous when talking to the police, and changed her story several times. Informants have said that she sold the gun to young gang members. She says she sold the gun to a guy she met in a bar. This man was given no name, and only a scant description.

Either way, officers now realized that the chances of finding this gun were poor, which meant that the possibility of it being used for violence was ever increasing.

And now...?

Numerous prosecutions are pending in this case, yet the idea that the .357 handgun is still out there causes frustration for the officers trying to find it.

In four short months, this gun passed through six sets of hands, from the rapper to the drug dealer, from the embarrassed father to the convicted felon, then to the middle-aged gang moll, and finally to the most

dangerous, the unknown person.

Over a year has passed since then, which means that literally dozens of criminals may have done violent, vicious things with it.

How many person's lives have been affected by this one gun?

Legislation such as the Brady Bill was invented to make it more difficult for dangerous people to possess firearms. Yet the current "culture of the street" allows easy access to guns.

Enhanced sentences for suspects who possess guns are welcome news for law enforcement, but realistically have done little to prevent drug dealers, gang members, and the basic criminal from possessing a gun. The common mindset of the criminal is day-to-day survival, not any concern for long-range ramifications if caught with a firearm.

In fact, the last three suspects shot and killed by Omaha police officers were all convicted felons who chose to challenge law enforcement with a handgun.

The saga of this simple firearm continues. Most likely, it will never be recovered. Most certainly, it will be used in criminal activity. It's just one of many illegal guns on the streets of Omaha.

Fridell:

A thankless task

Continued from Page 13

their report they explain in detail that their analysis cannot and does not indicate patterns of racial profiling, only patterns of disparity that can arise from multiple causes. This nuanced interpretation of their findings is refreshing and responsible, particularly compared to other studies that do not approach the issue with such caution. To argue that the Massachusetts study claimed to have measured "racial profiling" is to completely mischaracterize the Northeastern study and its conclusions. This mischaracterization is as harmful to the process of enhancing police and community trust as the incendiary claims made by media outlets that the study "confirmed racial profiling."

As to the second point, the RAND researchers contend that the Northeastern study should have collected information on some other key, intervening variables that might impact on police stopping activity. They mention, in particular, that the Northeastern team should have analyzed data controlling for the location of the traffic stops in order to adjust for the distribution of law enforcement activities. The commentators fail to share that on Page 8 of the report the Northeastern researchers specifically state that data on location would have strengthened the report.

Putting aside that oversight by the commentators, there is an even more important issue raised by this criticism. It is true that studies are strengthened if they are able to control for more "alternative, legitimate factors," (that is, potential factors other than bias) that might impact on agency stop and post-stop activity. For instance, RAND's release of its analysis of the Oakland, Calif. traffic stop data is imminent and I expect the researchers were able to control for more variables than was the Northeastern team. This ability to control for more variables is a luxury that comes with analyzing the data from a single

jurisdiction. The challenge faced by the Northeastern team was developing — with limited resources — a model for analyzing vehicle stops from more than 360 agencies.

The Northeastern University model is critically important in that it advances the discussion regarding how researchers might benchmark multiple jurisdictions using finite resources. This is a very important contribution in light of the numerous states that now require statewide data collection and that will conduct a single statewide analysis.

The RAND commentary fails to note another important contribution of the Northeastern study: its suggestion that police take the traffic stop data as a starting point to begin a conversation with the community to avoid the very "wrong conclusions" and "wrong remedies" about which Riley and Ridgeway are so appropriately concerned. The Northeastern report encourages departments to collect additional data to determine if there are legitimate organizational or community factors that might explain the existence of disparity. The Northeastern team deserves credit for this responsible, constructive approach.

The researchers from RAND argue that "Communities need to take the time and invest the effort to find the right answers" to inquire about racial profiling. Such fully-funded efforts are the exception, not the rule. I commend the Northeastern team for taking on the task of analyzing the Massachusetts data with wholly inadequate resources provided to support their efforts. Because the data collection was legislatively mandated, some entity had to conduct the analyses of the statewide data. Massachusetts is fortunate to have such a highly credentialed team available to conduct this work, and all of us grappling with the challenging, complicated issues associated with analyzing vehicle stop data are fortunate to have the Northeastern researchers dedicating their considerable talents to this cause.

Headlines are not enough

Affirmative-action programs looking a little black & blue
The jury is still out on community policing
Time to rethink academy & field training
Maternity-leave
It's a mother
Law enforcement is too much

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Law Enforcement News

A publication of John Jay College of Criminal Justice/CUNY

Oklahoma curbs sale of key meth ingredient

Continued from Page 1

1,000 tablets of pseudoephedrine. With education, retail clerks and pharmacists eventually got wise to what Woodward referred to as "smurfing," going from one store to another, buying just a package or two of cold medicine.

"It wasn't stopping the problem by limiting the purchases, so we said we have to get something more drastic here and put it in the pharmacy," he said. "And that's what we've done."

Tom Sanford, director of global communications for the pharmaceutical giant Pfizer, told LEN that the firm "understands the tragic toll that methamphetamine has taken in Oklahoma and many other communities."

"We and others in the industry have been working closely with state and local officials across the country in a mutual battle to address this problem, without unduly restricting access to safe and effective medicines like Sudafed that millions of law-

abiding consumers rely on," he noted.

Woodward noted that scientists are working on a molecular lock which would block attempts to use it as a base ingredient in meth. A new formula could be ready by then end of the summer, he said.

"We said, 'Great, as soon as you get it, come see us and we'll exempt your pills,'" said Woodward.

The Oklahoma law was initially named in honor of slain State Highway Patrol troopers Nik Green, David "Rocky" Eales, and Matthew Evans, whose deaths were all directly related to methamphetamine. Green was killed while investigating an alleged mobile lab; Eales was fatally shot during a drug raid, and Evans died in a head-on collision with a driver suspected of being under the influence of the drug.

While the law had been in effect for just over 30 days, officials said the number of meth labs in the state had dropped dramatically in the three months since the measure

was first approved.

Ninety meth labs were reported to the Oklahoma State Bureau of Investigation in March by law enforcement agencies statewide. That figure plummeted to 29 in May.

"I don't believe I have ever seen a piece of legislation have this immediate impact," Scott Rowland, an attorney with the state narcotics bureau, told The Associated Press. "I quite frankly am surprised."

Another of the law's provisions allows judges to deny bail to meth addicts, forcing them off the streets and into either jail or rehabilitation before they can reoffend. Addicts are often bonding out within a matter of hours, said Woodward, and cooking again. In fact, the man who shot and killed Green last December had been arrested four days earlier for a previous meth lab, but was released on a \$5,000 bond.

Other states have passed similar legislation, though none as restrictive as Oklahoma's. In Iowa, a law limits the purchase of

cold medicine tablets containing pseudoephedrine to two packages per person. It took effect July 1. Missouri passed legislation last year that also limits purchases to two packages, but requires the medication be kept behind a counter, sold within 10 feet of a cashier, or tagged with an anti-theft device.

Both Cox and Woodward said that bordering states have been eager to discuss the law with Oklahoma officials. There is concern that meth addicts will take advantage of looser restrictions in those neighboring jurisdictions, said Cox.

Inquiries, said Woodward, have come from Texas, Louisiana, Arkansas, Missouri, Iowa and Kansas.

"We are hoping other states jump on board and it sounds like they're going to try it because of the same problems we're seeing here in Oklahoma," he said.

Was that house once a meth lab? Sheriff's web site offers help to buyers

The Larimer County, Colo., Sheriff's Department has launched a new Web site that lists all of the locations of methamphetamine labs busted in the jurisdiction's unincorporated areas, as a way of helping potential home buyers and renters.

According to experts, residue left by production of the drug can sicken residents even years later. Said Sheriff Jim Alderden, potential house buyers have the right to know if their home was the site of "toxic waste dump."

So far, 12 locations have been posted on the site, which was launched in April. Nine of the locations are residences and three are storage units.

Larimer County is just one of a number of places that provides the service. The North Metro Drug Task Force, for instance,

lists more than 200 meth labs in the north metro Denver area on its Web site. In Las Vegas, police put out a list broadcast by local television stations. And in Tulsa, where the busts of meth labs are mapped by police, the results are posted online.

"Any purchaser of a home or renter of an apartment where there has been a meth lab is entitled to know that," said Tom Metter, a Fort Collins attorney representing a young couple who were shocked to find their new home had been a lab busted by sheriff's deputies in 2001.

The house, which had been sold several times since it was built in the 1980s, is in a semi-rural part of the county, with all the privacy that a meth cooker could want.

"This is just awful," said Helen Hudson, who had built the home with her husband,

Jim, a pastor who worked with addicts. "I'm so sad it was turned into that," she told The Denver Post, "and I'm sad for the new owners."

The couple had opened a day care center. Metter said none of the residents or children have reported health problems. But they should have been informed.

Gov. Bill Owens is expected to sign a bill that would set a standard for meth lab cleanups. Sponsored by Rep. Mark Cloer, a Republican from Colorado Springs, the legislation would give sellers immunity from lawsuits if they met those standards.

"We're growing as a state, and unfortunately becoming one of the leaders [in meth labs] in the West," he told The Post. "Even if it affects just one person, that's one too many."

Nationwide, plenty of good news from preliminary UCR for 2003

Continued from Page 1

record a decline, and falling in all categories except for homicide.

In Syracuse, according to the state Division of Criminal Justice Services, there were 6.5 percent fewer crimes reported in 2003 than in 2002. Other cities reporting decreases included Binghamton, Mount Vernon, Newburgh and White Plains.

The steepest decline in crime on the East Coast, however, occurred in Connecticut, led by the trouble-plagued city of Bridgeport, which reported a decrease of 19.5 percent in 2003. Waterbury recorded a decrease of nearly 18 percent.

"Ten years ago, unfortunately, we probably led the state and sometimes the nation in violent crime," Bridgeport Mayor John Fabrizio told The Associated Press. "That has been cleaned up. Bridgeport is a safe place. This proves it. We want to finally put that in people's heads."

Officials credited the plummeting crime rate to Project Safe Neighborhoods, an aggressive partnership between police and federal agents that targets gun crimes.

Waterbury began in 2002 to repair its troubled neighborhoods by purchasing 40 heavy garbage cans and found that streets quickly became cleaner. A blight officer was assigned to tow cars and get abandoned buildings boarded up and razed, The AP reported.

"It's the little things, all these little things," said Chief Neil O'Leary. "I'm not saying this is the patent for safe neighborhoods, but I'm saying that you start somewhere, with something as simple as putting out new trash cans near convenient stores, near parks."

In the South, violent crime was down across the region by more than 2 percent, although it rose by more than twice that figure in Birmingham, Ala.

According to the UCR, murders there soared by 30.8 percent, or from 65 in 2002 to 85 last year.

"One year does not a trend make," criminologist John Sloan of the University of Alabama-Birmingham told The Birmingham News. "This may be an anomaly, a spike that could be accounted for by a number of things. Who knows? For 2004, it may go

down 25 percent."

Robberies also rose in Birmingham last year, by 14 percent. Rapes, on the other hand, fell by nearly 15 percent.

Among major Midwestern cities, Milwaukee showed the greatest decrease in crime, according to the UCR, plunging to its lowest level in 23 years.

Violent crime, particularly homicides, dropped by 8.6 percent, compared with an average 4.6 percent decrease among regional municipalities of similar size, according to federal figures.

In the West, Albuquerque saw a drop in violent crime nearly three times the national average, of 9 percent, in 2003. The city saw a decline of more than 10 percent in the number of forcible rapes; a 16 percent drop in robbery; and 15.6 percent decline in arson.

"Little by little, we're adding to the size of the department and providing more training and equipment, which helps us keep the peace," said Police Chief Gil Gallegos.

The department beefed up its strength over the past two years to reach an all-time high of 937 in January.

SR. INVESTIGATIVE AUDITOR (Spanish Speaking)

New York

Ensures all policies, programs and projects are implemented with highest professional, legal & ethical standards. Assist in implementation of ethics, fraud awareness and prevention programs. Conducts internal assessments reviews, investigates & prepares reports for review by the Director, Internal Affairs.

Bachelor's degree in accounting, criminal justice or a related field; **PLUS** Minimum two years' increasingly responsible experience in accounting, law enforcement, investigations/investigative auditing, experience in public sector building construction industry; **OR** Associate's degree in accounting, criminal justice, or related field; **plus** four years' relevant experience as described above. Knowledge of PC based applications. Fluent Spanish.

A Master's Degree or a professional license/certification in a related field may be substituted for one year of experience.

Submit resume and credentials to:
Brigid Hayes, BHayes@dasny.org

EEO/AA

SECURITY MANAGER

New York

Reviews & monitors security arrangements at construction projects, maintains liaison with local law enforcement agencies and fire departments, conducts confidential internal investigations. Available for on-call duty 24 hours a day, seven days a week, to meet whatever emergency needs may arise. Travel required.

Substantial experience and working knowledge of police procedures in City of New York. **PLUS** Ten years' experience as police officer, preferably the New York City Police Department. Five years' demonstrated investigative experience, valid New York State motor vehicle operator's license, construction experience in Public Sector, ability to move freely about buildings and construction sites.

Bachelor's degree in criminal justice or related field may be substituted for two years' police experience. A Master's Degree in a related field may be substituted for one additional year of police experience.

Submit resume and credentials to:
Brigid Hayes, BHayes@dasny.org

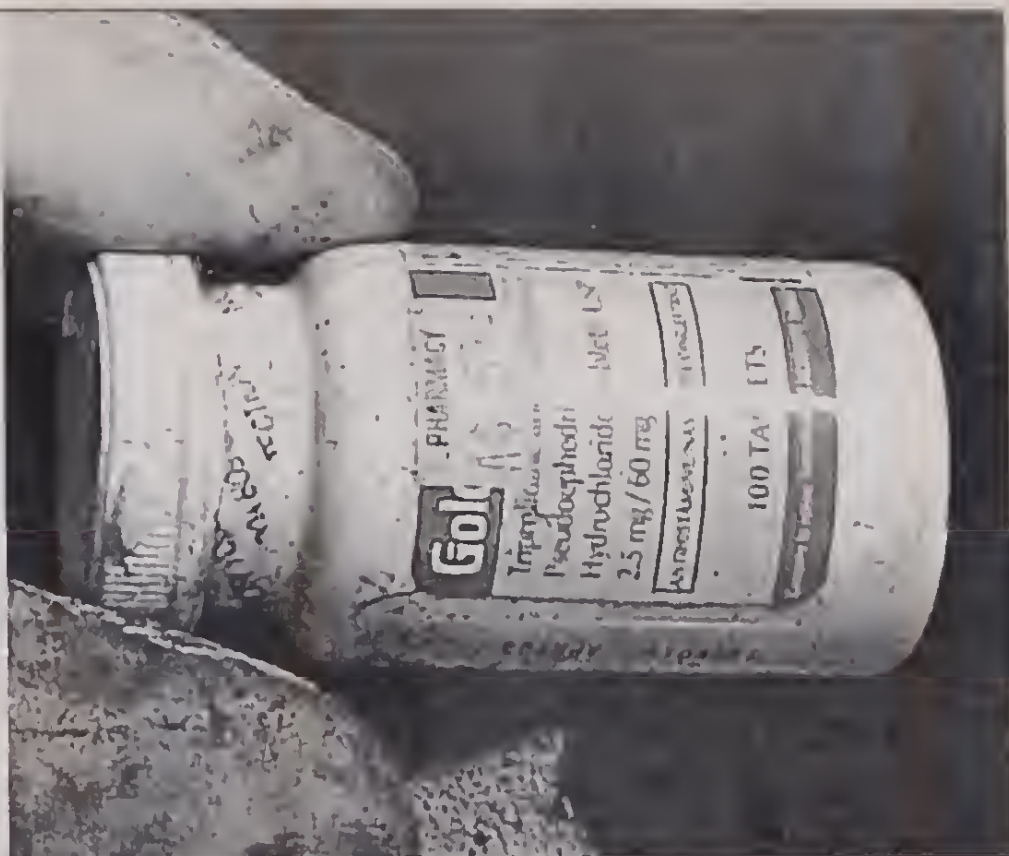
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WHAT THEY ARE SAYING:

"No more Mr. Nice Guy. "Stores that continue to process and sell pseudoephedrine tablets... risk jail time."

— Mark Woodward, spokesman for the Oklahoma Bureau of Narcotics and Dangerous Drugs, on a new law that sharply restricts sales of a commonly available ingredient in the manufacture of methamphetamine. (Story, Page 1.)